

condition not to go out in the cold wind and sit with the committee, but the Senator would not heed the efforts of his friends, but, in what he regarded as a discharge of duty, made his way to the front of the inaugural platform, took his seat, and remained there until the inaugural ceremonies were over, exposed to a cold north wind, from which exposure he took the severe cold, resulting in fatal illness of only three days' duration. He thus literally died at his post; he fell on the firing line.

Mr. Speaker, to state all that occurred in the life of Senator BATE that is useful and instructive to the people of his State and nation would fill a large volume, which is impossible on this occasion, but I hope some gifted writer will do justice to his name and fame and leave in enduring form a full and complete history of the public and private acts of this good and great man.

Mr. Speaker, I had the honor to be on the committee appointed by the Speaker of the House of Representatives to attend the funeral and burial of Senator BATE, which took place at Nashville, Tenn., with military honors, on the 13th day of March, 1905. Tennessee has had many great and well-beloved men, and her people love to show their love for her great and glorious dead; but I never heard of and certainly never saw the attendance of so large a gathering of the people of Tennessee at the funeral and burial of any other man as was in attendance at that of Senator BATE. The people of every walk of life from every part of the State came in almost numberless thousands, and with bowed, bared heads paid the hero dead the last but most tender tribute of their love and respect by the shedding of unaffected tears. Though dead, yet he lives in the example of a good and great life by the following of whose teachings all the world may be made better.

The SPEAKER pro tempore. In pursuance of the resolutions heretofore adopted, and as a further mark of respect to the deceased Senator, the House will stand adjourned.

Accordingly (at 5 o'clock and 42 minutes) the House adjourned.

SENATE.

MONDAY, January 21, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SHORTAGE OF CARS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 14th instant, a transcript of the testimony taken by the Interstate Commerce Commission at St. Louis, Mo., December 18 and 19, 1906, and at Kansas City, Mo., December 20 and 21, 1906, in the matter of car shortage and other insufficient transportation facilities; which, with the accompanying paper, was referred to the Committee on Interstate Commerce, and ordered to be printed.

INVESTIGATION OF BLACK SANDS OF PACIFIC SLOPE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th instant, a letter from the Director of the Geological Survey, forwarding a report on the progress of the investigation of the electric smelting of iron ores, included in the investigation on the black sands of the Pacific slope, and stating that, in his judgment, the work of the investigation should be continued and an adequate appropriation made therefor; which, with the accompanying papers and illustrations, was referred to the Committee on the Geological Survey, and ordered to be printed.

FIRE CONTROL AT FORTIFICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental estimate of appropriation for fire control at fortifications, \$3,800; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PURCHASE OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of June 29, 1906, a report showing the quantity and character of coal purchased by the Department of Commerce and Labor during the fiscal year ended June 30, 1906, the amount contracted for the present fiscal year, together

with certain information regarding the contracting parties, the price paid or to be paid and the form and conditions of contract; which, with the accompanying papers, was ordered to lie on the table, and be printed.

FRENCH SPOILIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Columbus*, James Fullerton, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Little John Butler*, James Smith, Jr., master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of Decatur Lodge, No. 52, Independent Order of Odd Fellows, of Decatur, Ala., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. LODGE presented the credentials of WINTHROP MURRAY CRANE, chosen by the legislature of the State of Massachusetts a Senator from that State for the term commencing March 4, 1907; which were read and ordered to be filed.

Mr. ALLEE presented the credentials of Harry A. Richardson, chosen by the legislature of the State of Delaware a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

EFFICIENCY OF THE ARTILLERY.

Mr. KEAN. On Friday last I entered a motion to reconsider the vote by which the bill (S. 3923) to reorganize and to increase the efficiency of the artillery of the United States Army was passed. Now that Senators have had notice of the passage of the bill, I withdraw my motion to reconsider.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his motion to reconsider, and the bill stands passed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry Hebrew citizens of Savannah, Ga., remonstrating against the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. KEAN presented a petition of the New Jersey State Horticultural Society, of Mount Holly, N. J., praying for the enactment of legislation to continue the minimum duty imposed by the German Government on green and dried apples; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Club of East Orange, N. J., praying for the enactment of legislation to regulate the employment of child labor and providing a public playground for children in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Borden-town, N. J., praying for an investigation into the dismissal of the three companies of the Twenty-fifth Infantry; which was ordered to lie on the table.

He also presented the petition of J. W. Hamer, of Beverly, N. J., praying for the enactment of legislation to increase the efficiency of the personnel of the line of the Navy; which was referred to the Committee on Naval Affairs.

Mr. PLATT presented memorials of sundry citizens of Brooklyn and Lockport and Onondaga Council, No. 10, Junior Order of United American Mechanics, of Syracuse, all in the State of New York, remonstrating against the enactment of legislation to restrict immigration with the educational test clause omitted; which were referred to the Committee on Immigration.

He also presented a petition of Hartwell T. Martyn Post, No. 346, Department of New York, Grand Army of the Republic, of Canton, N. Y., praying for the enactment of legislation granting an increase of pension to the veterans of the civil war; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Pavilion, of the Woman's Christian Temperance Union of Chautauqua County, and of the congregations of the Methodist Episcopal

and Congregational churches of Orwell, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Association of Women Principals of the Public Schools of New York City, N. Y., praying for the enactment of legislation providing for the creation of a new department of education with representation in the President's Cabinet; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of the Anacostia Citizens' Association of the District of Columbia, praying for the enactment of legislation to regulate the giving of transfers in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Anacostia Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation granting authority to the Commissioners of the District of Columbia to lessen the width of any of the streets of the District; which was referred to the Committee on the District of Columbia.

Mr. SCOTT presented a petition of the West Virginia Horticultural Society, praying that an appropriation be made providing for the giving of instructions in agriculture in the State normal schools; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLARD presented a petition of the Woman's Christian Temperance Union of Lexington, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Orleans, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. ANKENY presented a memorial of sundry citizens of Dusty, Wash., remonstrating against the enactment of legislation requiring certain places in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented petitions of sundry citizens of Motley and Geneva, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. WARNER presented memorials of sundry citizens of Kansas City and Jackson County, Mo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented the petition of Frank S. Krebs, of Missouri, and the petition of Frederick C. Husman, of Missouri, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

Mr. LA FOLLETTE presented memorials of sundry citizens of Oxford and Wood County, in the State of Wisconsin, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented the petition of H. W. Meyer, of Appleton, Wis., praying for the enactment of legislation to remove the duty on composing and linotype machines and the parts thereof; which were referred to the Committee on Finance.

Mr. BURKETT presented a petition of the congregation of the United Presbyterian Church of Lincoln, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a paper to accompany the bill (S. 7453) granting an increase of pension to Samuel Steel; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of the District of Columbia, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. HOPKINS. I present resolutions adopted by the forty-fourth general assembly of the State of Illinois, relative to a limitation of the amount of water to be diverted from the Great Lakes through the Chicago Drainage Canal. I ask that the resolutions be printed in the Record and referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:—
(Forty-fourth general assembly, special session.—Chicago Drainage Canal.)

Whereas the Congress of the United States is now considering the report of the International Waterways Commission; and

Whereas said report contains a recommendation that the amount of water to be diverted from the Great Lakes through the Chicago Drainage Canal be limited to 10,000 cubic feet per second; and

Whereas said limitation would in the future render futile the expenditure of \$50,000,000 already expended by the sanitary district of Chicago and render impossible the completion of said project and endanger the health of the people of Illinois and of the city of Chicago; and

Whereas the amount of water to be diverted for domestic and sanitary purposes should under no circumstances be limited by a treaty with a foreign power or by any legislation to be enacted by Congress, thus placing the sanitary district of Chicago—organized to preserve the health of the people—upon the same plan as commercial enterprises organized for private gain: Now, therefore, be it

Resolved by the senate of the forty-fourth general assembly of the State of Illinois, convened in extraordinary session (the house concurring therein). That in any treaty to be hereafter entered into no statement whatever binding the trustees of the sanitary district of Chicago shall be made, and the local conditions of such canal and the volume of water to be accommodated therein should be left wholly and solely to the regulation of the Federal Government as the conditions of the canal's drainage may require; and be it further

Resolved. That in any legislation to be hereafter enacted by Congress a provision should be included permitting the sanitary district of Chicago to use such water as may be necessary in the discretion of the Secretary of War, and such legislation, if any, should specifically provide that that portion of the report of the said International Waterways Commission referring to the sanitary district of Chicago and the amount of water to be diverted through its channels should be entirely ignored; and be it further

Resolved. That the two Senators and the Members of Congress representing this State be, and they are hereby, respectfully requested to do all in their power to incorporate the provision above referred to in any legislation to be passed by Congress and prevent the incorporation of any statement in any treaty to be entered into with a foreign power placing any restriction upon the amount of water to be withdrawn through the drainage canal of the sanitary district of Chicago; and be it further

Resolved. That a copy of this resolution be forwarded immediately by the secretary of state to each Senator and Representative in Congress from this State and to the President of the United States.

Adopted by the senate May 15, 1906.
Concurred in by the house of representatives May 15, 1906.

UNITED STATES OF AMERICA, STATE OF ILLINOIS, ss:

OFFICE OF THE SECRETARY OF STATE.

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the forty-fourth general assembly of the State of Illinois, passed and adopted at the second session thereof, is a true and correct copy of the original joint resolution, now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of state, at the city of Springfield, this 14th day of June, A. D. 1906.

[SEAL.]

JAMES A. ROSE,

Secretary of State.

Mr. HOPKINS presented a petition of the Illinois School for the Blind, of Jacksonville, Ill., praying for the enactment of legislation providing for the carrying through the mails free of charge reading matter for the blind; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the State Grange, Patrons of Husbandry, of Illinois, remonstrating against the free distribution of seeds and plants by the Government; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the enactment of legislation providing for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the enactment of legislation providing for free trade with the Dominion of Canada in the timber and lumber traffic, and also for the ratification of reciprocity treaties with all nations; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Miners' Union No. 58, American Federation of Labor, of Kewanee, Ill., praying that an appropriation be made for a scientific investigation into the industrial conditions of women and child workers in the United States; which was referred to the Committee on Education and Labor.

He also presented petitions of Columbian Lodge, No. 479, of Chicago; of Galesburg Lodge, No. 24, of Galesburg, and of Local Lodge No. 469, of Charleston, all of the Brotherhood of Railroad Trainmen in the State of Illinois, praying for the passage of

the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented petitions of sundry newspaper publishers of the State of Illinois, praying for the enactment of legislation granting the right to newspapers and railroads to contract for the exchange of their respective commodities; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Chicago, Cobden, Sterling, Cairo, Monmouth, Bement, and Peoria, and of the Illinois State Grange, Patrons of Husbandry, all in the State of Illinois, praying that an appropriation be made for the construction of a deep waterway from the Lakes to the Gulf of Mexico; which were referred to the Committee on Commerce.

He also presented the petition of Mrs. Jane H. Wilson, of Joliet, Ill., praying for the enactment of legislation granting a pension to every surviving widow equal to that which her husband received at the time of his death, provided it is not less than \$12 per month; which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Effingham, Danville, and Quincy, and of the International Stereograph Company, of Decatur, all in the State of Illinois, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

Mr. KNOX presented petitions of Dunmore Council, Junior Order United American Mechanics, of Dunmore; Local Council No. 70, Junior Order United American Mechanics, of Pittsburg; C. W. Biddinger, of Steelton; F. W. Rutter, of Verona, of the Order of American Mechanics, of Tyrone; the Junior Order United American Mechanics, of Kutztown; Local Council No. 66, Junior Order United American Mechanics, of Carnegie; M. H. Bowman, of Jeannette; Local Council No. 700, Junior Order United American Mechanics, of Johnstown, and of 10 citizens of Monongahela city, all in the State of Pennsylvania, praying that an educational test be included in the immigration bill; which were referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of the Republican Club of Danbury, Conn., praying for the enactment of legislation providing for the reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Educational Club and Consumers League, of Hartford, Conn., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a memorial of Horeb Lodge, No. 25, Independent Order of B'nai Brith, of New Haven, Conn., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

Mr. FULTON presented a petition of the congregation of the Methodist Church of Turner, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LODGE presented the petition of Benjamin M. Van Wart, of the State of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

Mr. DU PONT. I submit a memorial of the general assembly of Delaware; which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

Mr. LODGE. I ask that the memorial be read, as it is the action of a legislature.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts, the memorial will be read by the Secretary.

The memorial was read and referred to the Committee on Military Affairs, as follows:

House joint resolution entitled "Joint resolution regarding a bill in the Congress of the United States, relating to the Fifth and Sixth Regiments of Delaware Volunteers."

Whereas there has been introduced in the Senate and House of Representatives of the United States of America a bill to fix the status of the Fifth and Sixth Regiments of Delaware Volunteers, providing that in the administration of the pension laws the officers and enlisted men who were members of the Fifth and Sixth Regiments of Delaware Volunteers in the civil war shall hereafter be held and considered to have been continuously in the active service of the United States from the date of their muster into said service to the date of their muster out or discharge from said service; Therefore, be it

Resolved, That the Senate and House of Representatives of the United States of America be, and they are hereby, requested to pass with all possible speed the said bill; and be it further

Resolved, That our Senators and Representatives in Congress be fur-

nished with a certified copy of this resolution, and that they be earnestly requested to do all in their power to secure the passage of said bill.

Adopted January 11, 1907.

RICHARD HODGSON,
Speaker of the House of Representatives.
ISAAC T. PARKER,
President of the Senate.

Approved this 17th day of January, A. D. 1907.

PRESTON LEA, Governor.

STATE OF DELAWARE,
OFFICE OF THE SECRETARY OF STATE.

I, Joseph L. Caball, secretary of state of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of house joint resolution entitled "Joint resolution regarding a bill in the Congress of the United States relating to the Fifth and Sixth Regiments of Delaware Volunteers," approved January 17, A. D. 1907, as the same appears on file in this office.

In testimony whereof I have hereunto set my hand and official seal at Dover this 18th day of January, in the year of our Lord 1907.

JOS. L. CABALL,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 2083) granting an increase of pension to Asa K. Harbert, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7150) granting an increase of pension to John Bell;

A bill (S. 6899) granting an increase of pension to George H. Nye;

A bill (S. 7880) granting an increase of pension to Sarah E. Stockton;

A bill (S. 5457) granting an increase of pension to Albert Teets;

A bill (S. 3998) granting an increase of pension to Thomas Warner; and

A bill (S. 1622) granting a pension to Jane Agnew.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7840) granting an increase of pension to Lewis A. Towne;

A bill (S. 6127) granting an increase of pension to John R. Callender;

A bill (S. 7605) granting an increase of pension to Judiah B. Smithson; and

A bill (S. 6652) granting an increase of pension to Hiram H. Lockwood;

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7841) granting an increase of pension to Frank De Noyer;

A bill (S. 5730) granting an increase of pension to William O. Spelman;

A bill (S. 7355) granting an increase of pension to William McHenry Plotner;

A bill (S. 7272) granting an increase of pension to George W. Cook; and

A bill (S. 7196) granting an increase of pension to William H. Hubbard.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4693) granting an increase of pension to Irwin M. Hill;

A bill (S. 7820) granting an increase of pension to Benjamin B. Cravens; and

A bill (S. 7642) granting an increase of pension to Oliver H. Rhoades.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3268) granting an increase of pension to Jacob A. Ward; and

A bill (S. 6612) granting an increase of pension to George H. McClung.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 4873) granting an increase of pension to D. L. Ross, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6606) granting an increase of pension to Alexander Sholl; and

A bill (S. 5374) granting a pension to Floyd A. Honaker.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6909) granting an increase of pension to William H. Adams;

A bill (S. 7044) granting an increase of pension to Sylvester O. Pevear;

A bill (S. 6665) granting an increase of pension to Samuel B. T. Goodrich;

A bill (S. 177) granting an increase of pension to Alvah D. Wilson; and

A bill (S. 7394) granting an increase of pension to Henrietta C. Cooley.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1261) granting an increase of pension to Edwin P. Richardson;

A bill (S. 7745) granting an increase of pension to Frederick Wood;

A bill (S. 7574) granting an increase of pension to Emily J. Larkham; and

A bill (S. 7843) granting an increase of pension to Isaac Oakman.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6734) granting a pension to John C. Snell; and

A bill (S. 7685) granting an increase of pension to Albion W. Tebbetts.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7380) granting an increase of pension to Andrew J. Harris; and

A bill (S. 7058) granting an increase of pension to Gilbert Baillie.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 7533) granting an increase of pension to Orvil Dodge, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4742) granting a pension to Mary E. Allen;

A bill (S. 7061) granting an increase of pension to Hugh McNaughton; and

A bill (S. 5681) granting an increase of pension to William Grant.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7171) granting an increase of pension to Margaret Holden;

A bill (S. 5884) granting an increase of pension to Cyrus Palmer; and

A bill (S. 7136) granting an increase of pension to Cornelia W. Clay.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5400) granting an increase of pension to John A. Chase;

A bill (S. 7509) granting an increase of pension to William T. Bennett; and

A bill (S. 4958) granting an increase of pension to William W. Duffield.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5782) granting an increase of pension to Octave Farlola;

A bill (S. 4396) granting an increase of pension to Thomas C. Davis; and

A bill (S. 3434) granting an increase of pension to Charles M. Canfield.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (S. 7379) granting a pension to Mary E. Dougherty, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom

were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7025) granting a pension to James C. West;

A bill (S. 7672) granting an increase of pension to Elvina Adams; and

A bill (S. 5261) granting an increase of pension to Stephen A. Barker.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 7673) granting an increase of pension to William W. Jordan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7668) granting an increase of pension to Henry H. Buzzell; and

A bill (S. 7666) granting an increase of pension to True Sanborn, jr.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 7430) granting a pension to Mary F. Johnson;

A bill (S. 7818) granting an increase of pension to Edward Bird;

A bill (S. 4559) granting an increase of pension to John A. Wagner; and

A bill (S. 7491) granting an increase of pension to Anna V. Blaney.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5970) granting an increase of pension to Julia A. Horton; and

A bill (S. 7492) granting an increase of pension to Benjamin Clow.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company;

A bill (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company; and

A bill (H. R. 22135) authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colleton, S. C.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 3563) granting an increase of pension to Orrin D. Sisco, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7452) granting an increase of pension to Thomas Harrop, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6956) granting an increase of pension to Eli Ford, alias Jacob Butler;

A bill (S. 6711) granting an increase of pension to Harvey B. F. Keller;

A bill (S. 6713) granting an increase of pension to James L. Short; and

A bill (S. 7083) granting an increase of pension to William Wakefield.

Mr. CLARK of Montana, from the Committee on Indian Affairs, to whom was referred the bill (S. 7674) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, reported it with amendments, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6635) granting an increase of pension to John A. Morris; and

A bill (S. 5380) granting an increase of pension to Richard Jones.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6044) granting an increase of pension to John H. Arnold;

A bill (S. 4629) granting an increase of pension to Mary Jane Miller; and

A bill (S. 6634) granting an increase of pension to John P. Murray.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 7021) granting an increase of pension to Hugh J. McJunkin, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5171) granting an increase of pension to Jennie H. Marshall;

A bill (S. 2748) granting an increase of pension to Joel R. Smith;

A bill (S. 7078) granting a pension to Daniel Schaffner; and

A bill (S. 7218) granting an increase of pension to Samuel D. Thompson.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 2954) granting an increase of pension to Hanna Welch, reported it with amendments, and submitted a report thereon.

FISH-CULTURAL STATION AT DELL RAPIDS, S. DAK.

Mr. HOPKINS. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 7270) to establish a fish-hatching and fish-culture station at Dell Rapids, S. Dak., to report it favorably without amendment. I call the attention of the Senator from South Dakota [Mr. KITREDGE] to the report.

Mr. KITREDGE. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$25,000 for the establishing of a fish-hatching and fish-culture station, including purchase of site, construction of buildings and ponds, and equipment, at Dell Rapids, S. Dak.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHANGES IN DISTRICT STREET-RAILWAY TRACKS.

Mr. GALLINGER. I offer a proposed substitute for the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes, which I move be printed and referred to the Committee on the District of Columbia.

The motion was agreed to.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 7945) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life-insurance companies or associations; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7946) granting an increase of pension to William H. Weston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 7947) granting an increase of pension to Charles G. Sweet; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7948) granting an increase of pension to Jane Tate; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEAN (for Mr. DRYDEN) introduced a bill (S. 7949) for the erection of a monument to the memory of Philip Kearny; which was read twice by its title, and referred to the Committee on the Library.

Mr. CRANE introduced a bill (S. 7950) to correct the military record of James Sullivan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. NELSON introduced a bill (S. 7951) to amend section 5153 of the Revised Statutes of the United States relating to national banks as depositories of public money; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 7952) for the establishment of a light-house and fog-signal station at Carbarandum Point, in the vicinity of Split Rock, on the north shore of Lake Superior,

Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7953) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. SMOOT introduced a bill (S. 7954) granting an increase of pension to Sarah C. Payne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAYNER (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7955) for the relief of Francis A. Lacy, heir of William B. Lacy, deceased; and

A bill (S. 7956) for the relief of Joseph Rymarkiewicz (with an accompanying paper).

Mr. WHYTE introduced a bill (S. 7957) authorizing the President to nominate and appoint William Lay Patterson a captain and quartermaster, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7958) for the relief of Winfield S. Jennings; and

A bill (S. 7959) for the relief of Ben Mahuren.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7960) for the relief of John Ashpaw;

A bill (S. 7961) for the relief of the estate of Robert L. Hill, deceased;

A bill (S. 7962) for the relief of the estate of William Ashurst, deceased (with an accompanying paper);

A bill (S. 7963) for the relief of J. W. Bradley;

A bill (S. 7964) for the relief of John W. Crawford; and

A bill (S. 7965) for the relief of Thomas G. Linville.

Mr. DANIEL introduced a bill (S. 7966) for the relief of N. C. McNeel, administrator of estate of Paul McNeel, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 7967) for the maintenance of agricultural colleges in Congressional districts; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. LONG introduced a bill (S. 7968) granting an increase of pension to James Slater; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7969) granting an increase of pension to Solen D. Davis;

A bill (S. 7970) granting an increase of pension to W. F. Stotts;

A bill (S. 7971) granting an increase of pension to John Augsburger;

A bill (S. 7972) granting an increase of pension to Austin B. Smith;

A bill (S. 7973) granting an increase of pension to Archibald W. Collins;

A bill (S. 7974) granting a pension to Alice C. Risley; and

A bill (S. 7975) granting a pension to Elizabeth P. Wethers.

Mr. ANKENY introduced a bill (S. 7976) for the relief of the heirs of Benjamin Holliday, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 7977) to refer to the Court of Claims the claim of Mary Galley for loss of real and personal property in 1864; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7978) to refer to the Court of Claims the claim of John C. Galley, for compensation for loss of personal property in 1864; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 7979) to provide for the purchase of a site and the erection of a public building thereon in the city of Fairbury, State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOPKINS introduced a bill (S. 7980) granting an in-

crease of pension to Miah Stephenson; which which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7981) granting an increase of pension to Mahala S. Warmoth (with an accompanying paper);

A bill (S. 7982) granting an increase of pension to Elias Hamman (with accompanying papers);

A bill (S. 7983) granting an increase of pension to Samuel Dubois; and

A bill (S. 7984) granting an increase of pension to Thomas J. Hudgins.

Mr. NEWLANDS introduced a bill (S. 7985) granting an increase of pension to Walker S. Holman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 7986) authorizing the payment to the administrator of the late Ephraim Perkins, captain, of the value of his three-quarters of brigantine *Eliza* and cargo, illegally captured by the French, as ascertained by the Court of Claims; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 7987) granting an increase of pension to Lucius Bigelow; which was read twice by its title, and referred to the Committee on Pensions.

DEALING IN COTTON FUTURES.

Mr. CULBERSON introduced a bill (S. 7988) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto; which was read twice by its title.

Mr. CULBERSON. I ask that the bill be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

Mr. KEAN. What is the bill? Is it not a bill which affects interstate commerce?

Mr. CULBERSON. It affects interstate commerce. To be frank about it, it affects the transmission of messages and mail respecting future dealing in cotton. It occurred to me that the Committee on Agriculture and Forestry is the proper committee to which it should be referred. I am not specially concerned, however, about a reference to that committee.

Mr. KEAN. If it deals in futures, I hope the Committee on Interstate Commerce will not have anything to do with it.

Mr. MONEY. If I may be allowed a word, I think the Committee on Agriculture and Forestry has had charge of such matters heretofore.

Mr. CULBERSON. Heretofore, undoubtedly.

There being no objection, the bill was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

A bill (S. 7988) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto.

Be it enacted, etc., That it shall be unlawful for any person or association to send or cause to be sent from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country, or knowingly to receive or knowingly to cause to be received in any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia or from any foreign country, by a telegraph or telephone line, any message relating to a contract for future delivery of cotton without intending that the cotton so contracted for shall be actually delivered or received, or relating to a contract whereby a party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or the delivery of cotton without being thereby obligated to deliver or to accept said cotton. Any person, whether acting individually or as a member, officer, agent, or employee of any person or association, who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than \$1,000 nor less than \$500 and shall be imprisoned for not more than six months nor less than one month, and the sending or the causing to be sent, or the receiving or the causing to be received of each message shall constitute a separate offense.

SEC. 2. That it shall be the duty of any person or association sending or receiving by means of a telegraph or telephone line any message relating to a contract, or the making of a contract, for the future delivery of cotton to furnish upon demand to the sender or recipient of such message an affidavit stating that he is the owner of the cotton so being contracted for and that he has the intention to deliver said cotton, or that said cotton is at the time in actual course of growth on land owned or occupied by him and that he has the intention to deliver said cotton, or that he is at this time legally entitled to the right of future possession of said cotton under and by virtue of a contract for the sale and future delivery thereof previously made by the owner of said cotton, giving the name of the party or the names of the parties to the contract, the time when the place where the contract was made, and the price therein stipulated, and that he has the intention to deliver said cotton, or that he has the bona fide intention of producing and delivering said cotton, or that he has the bona fide intention of acquiring and delivering said cotton, or that he has the bona fide intention of receiving and paying for said cotton. In an indictment brought under section 1 of this act the failure to make promptly such affidavit on request shall be prima facie evidence that the message sent related

to a contract, or the making of a contract, for future delivery of cotton without the intention actually to deliver or receive the said cotton.

SEC. 3. That it shall be unlawful for any person owning or operating any telegraph or telephone line, or acting as officer, agent, or employee of such person, knowingly to use his property, or knowingly to allow his property to be used, for the transmission from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country, or knowingly to receive or knowingly to cause to be received in any State, Territory of the United States, or the District of Columbia, from any other State or Territory of the United States or the District of Columbia or from any foreign country of any message relating to such contracts as are described in section 1 of this act. Any person, whether acting individually or as a member, officer, agent, or employee of a telegraph or telephone company, who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than \$1,000 nor less than \$500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 4. That it shall be unlawful for any person owning or operating any telegraph or telephone line, or acting as officer, agent, or employee of such person, knowingly to use his property, or knowingly to allow his property to be used for the transmission from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or to any foreign country, or knowingly to receive or cause to be received in any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or from any foreign country, of any message presented by a person engaged in a commission or brokerage business or presented by a produce exchange corporation or association relating to a contract for the purchase or sale of cotton, unless the person engaged in a commission or brokerage business or the produce exchange, corporation, or association shall have filed, either personally or through the manager of such person or association, with the telegraph or telephone company an affidavit stating that the message or messages being sent and to be sent for the six months next ensuing by such person or association do not and will not relate to any such contracts as are described in section 1 of this act. A similar affidavit shall be filed before the end of the six months covered by the first affidavit. Any person owning or operating a telegraph or telephone line, or officer, agent, or employee of such person, who knowingly is a party to a violation of this section shall be punished for each offense by a fine of not more than \$1,000 nor less than \$500. Any person or association required to file the affidavit herein provided for who shall make a false statement in said affidavit shall be punished by a fine of not more than \$5,000 nor less than \$1,000 and shall be imprisoned for not more than two years nor less than one year.

SEC. 5. That every book, newspaper, pamphlet, letter, writing, or other publication containing a notice, account, or record of the transactions of any produce exchange wherein such contracts as are described in section 1 of this act are made, is hereby declared to be non-mailable matter and shall not be conveyed in the mails of the United States or delivered from any post-office by any letter carrier. Whoever shall knowingly deposit, or knowingly cause to be deposited for mailing or delivery, any matter declared by this section to be non-mailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of adding in the circulation or disposition thereof, shall be fined not more than \$5,000 nor less than \$1,000 or shall be imprisoned not more than five years nor less than one year, or both.

SEC. 6. That the Postmaster-General may, upon evidence satisfactory to himself that any person or association is sending through the mails of the United States any mail containing a notice, account, or record of the transactions of any produce exchange wherein such contracts as are described in section 1 of this act are made, instruct the postmasters in the post-offices at which such mail arrives to return all such mail to the postmaster in the post-office at which it was originally mailed, with the word "Unlawful" plainly written or stamped upon the outside thereof, and all such mail when returned to said postmaster shall be returned to the sender or publisher thereof, under such regulations as the Postmaster-General may prescribe.

EXTENSION OF TIME FOR HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen was read the first time by its title and the second time at length, as follows:

Resolved, etc., That all persons who made homestead entry in the States of North Dakota, South Dakota, Minnesota, Montana, and Wyoming, where the six months' period in which they were or are required by law to establish residence expired or expires after December 1, 1906, are hereby granted until May 15, 1907, within which to make actual settlement and establish residence upon the lands so entered by them.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. I will ask the Senator from North Dakota if the joint resolution has been before any committee of the body? I noticed the other day that a joint resolution was sent to the desk, and by unanimous consent it was passed. A joint resolution is a bill, and it seems to me it is a bad custom we are getting into if we pass bills in that way. I know nothing about the merits of this joint resolution, but I will ask the Senator if it has been before a committee?

Mr. HANSBROUGH. The joint resolution has not been before the Committee on Public Lands, but it has been submitted to a majority of the members of the committee. It is an emergency matter, or I would not bring it here without submitting it to the committee. There is a very peculiar condition existing in certain of the Western States at the present time, owing to snow blockades, railroad tie ups, and so forth; a great many

people are suffering hardships in consequence thereof, and the joint resolution is intended to meet that emergency.

Mr. GALLINGER. I suggest that it can go to the committee and be reported back promptly, and that is the proper way to do it.

The VICE-PRESIDENT. Objection being made—

Mr. HANSBROUGH. I hope the Senator from New Hampshire will not insist upon his objection. My committee does not meet until Wednesday.

Mr. GALLINGER (to Mr. HANSBROUGH). Poll it.

Mr. HANSBROUGH. I will say to the Senator that I practically polled the committee on the floor this morning upon the joint resolution. It being an emergency matter, I do not think the Senator from New Hampshire should object to its consideration on the slight ground that it has not been before the full committee.

Mr. GALLINGER. I do not wish to be captious about this measure, but it is important as a matter of procedure in the Senate. I suggest to the Senator that if there is no rule in the committee prohibiting it he can immediately poll his committee and report it back and pass it by unanimous consent.

Mr. HANSBROUGH. The committee has been polled, as I said to the Senator.

Mr. FRYE (to Mr. HANSBROUGH). Why do you not, then, offer it as the report of the committee?

Mr. GALLINGER. It has not been before the committee. I must insist on my objection.

The VICE-PRESIDENT. Under the objection, the joint resolution will be printed and referred to the Committee on Public Lands.

Mr. HANSBROUGH. I desire, in view of the condition relative to the joint resolution, to withdraw it for the present.

The VICE-PRESIDENT. The joint resolution is withdrawn.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN. At the request of 25,000 commuters in New York and New Jersey, I offer a proposed amendment to the river and harbor bill and ask that it be printed in the Record.

There being no objection, the amendment intended to be proposed by Mr. KEAN was referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

Insert the following:

"The Secretary of War is hereby directed to make such modifications of the rules and regulations now governing the opening of drawbridges spanning the Passaic and Hackensack rivers, in the State of New Jersey, by establishing, for a limited time, a closed morning and evening period daily for any one or more of such drawbridges as may seem to him reasonable and in his judgment to afford some measure of relief to railway passenger traffic."

Mr. NELSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FRYE submitted an amendment proposing to appropriate \$650,000 for the purchase of all the land on Cushings Island, Portland Harbor, Me., not at present owned by the Government, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment relative to the retirement with increased rank of brigadier-generals on the active list of the Army who served creditably during the civil war, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to increase the salary of the envoy extraordinary and minister plenipotentiary of the United States to Sweden from \$7,500 to \$10,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to fix the salary of the United States consul-general at Rotterdam at \$5,500 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$15,000 for completing the public building at Alexandria, Minn., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment including Lake of the Woods and Rainy River in the paragraph relating to the lighting of rivers, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also (by request) submitted an amendment proposing to

appropriate \$5,000 to pay Marie Louise Baldwin for services rendered to the Pillager and other bands of Chippewa Indians in Minnesota in the prosecution of their claim for damages arising from overflowage caused by the construction of dams on the upper Mississippi River, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SUTHERLAND (by request) submitted an amendment relative to the claim of John Bullette, a Delaware Indian, for reimbursement on account of royalties collected upon coal taken from the land which was afterwards allotted to him, intended to be proposed to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. DUBOIS submitted an amendment relative to the purchase of certain lands in Idaho for the purpose of constructing a reservoir for storing water to irrigate the land on Fort Hall Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill; which, with the accompanying statement, was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GEARIN submitted an amendment proposing to appropriate \$250,000 to adjust the claims of the settlers commonly called the "Sherman County settlers," on lands situated in Sherman and adjacent counties, in the State of Oregon, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate \$4,000 for grading and improving Kenyon street from Sherman avenue to Thirteenth street NW., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

STREET RAILWAY TRACKS IN DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CULLOM submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

COLOMBIAN PANAMA CANAL SHARES.

Mr. MORGAN submitted the following resolution, which was read:

Whereas statements published in the South American Journal of the 8th of December, 1906, disclose a correspondence between General Holguin, the Colombian financial agent for France, and Mr. G. R. Calderon and other persons on the subject of the Colombian Panama Canal shares, which statements are subjoined to the following resolution; and

Whereas the matters stated in such correspondence require the attention of the Government of the United States; and, considering the eighth article of the treaty of the United States with Panama of the 18th of November, 1903, as follows:

"The Republic of Panama grants to the United States all rights which it now has or may hereafter acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama, and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company."

And, considering that Colombia, at the close of the secession and independence of Panama, owned one-thirteenth part of the stock of the New Panama Canal Company, amounting to 5,000,000 francs, at the face value thereof, and the capital stock of said company, all of which was issued, amounting to 65,000,000 francs at its face value;

And, that the secession and independence of the State of Panama vested the ownership of such shares of said stock as then belonged to Colombia and in the property represented by such stock in the Government of Panama;

And, that Panama sold and conveyed the same, along with other property and rights situated in Panama, to the United States for the sum of \$10,000,000;

And, considering that the United States have derived no benefit from said Panama Canal stock, or any proceeds thereof, and the same, or the proceeds of the sale of the same, is being held by the Government of France under a legal proceeding of attachment for a debt alleged to be due from Colombia to France, which process issued after the ratification of said treaty between Panama and the United States;

And that it is the right and duty of the United States to assert its claim to the shares of stock in the Panama Canal Company, or the proceeds thereof, so held by France, and claimed by Colombia, so that the same may be rightfully and justly determined in such manner as will best accord with the sovereign rights of the United States;

Resolved, That the subject of the claim of the United States to the capital stock of the Panama Canal Company issued to the Government of Colombia, and to any property or fund that is represented by such stock, and all matters connected therewith, be referred to the Committee on Foreign Relations for investigation and report as to the validity of the claim of the United States to such stock or any proceeds thereof, and of the right of the United States to dispose of the same.

Mr. MORGAN. Without reading the statement which is appended to the resolution, I will ask that it be inserted in the Record, that the resolution and paper be printed, and that the matter may go over until to-morrow.

There being no objection, the accompanying statement was ordered to be printed in the RECORD, as follows:

[Statement from the South American Journal of December 8, 1906, regarding the Colombian Panama shares.]

THE COLOMBIAN PANAMA SHARES.

Mr. G. R. Calderon has received from General Holguin the following matter for publication:

General Holguin, the Colombia financial agent for France, has communicated the following information and correspondence on the subject of the Colombian Panama shares to the Parisian press:

The Government of Colombia brought before the tribunal of the Seine a suit against the New Panama Canal Company, to reclaim the 50,000 shares that the self-same company had given Colombia in payment for prorogations, concessions, and lands granted to the company. These shares were deposited with the company, to the order of the Colombian Government, where they remained for more than two years, when the Panama revolutionary movement broke out, which Colombia could not repress. At this juncture Colombia wished to dispose of these shares, but the company refused to deliver them up, alleging that the State of Panama might claim them.

At the first sitting of the tribunal last year the Government of Panama declared, through their lawyer, that they renounced all claim to these 50,000 shares. Consequently the suit was virtually terminated, and I was congratulating myself on this prompt and just solution, when, contrary to all expectation, the French fiscal authorities made the objection that these shares should remain with the Panama company until the Colombian Government had paid 13,600,000 francs for registration fees for the concession accorded to the company, from which cause arose the second lawsuit.

I confess that this claim has astounded me—that the French fiscal should claim from us, a foreign Government, registration fees for a concession that we have accorded to a French company. I could not credit it, and it should be here noted that in the contract of concession it is expressly stipulated that all differences which might arise between the Colombian Government and the concessionary company would be adjudicated upon by the local tribunals. If, in the case of the difficulty concerning these shares, the Government of Bogota addressed itself to the French tribunals, it has been done in deference to French justice and from respect and consideration for France.

Since then the Colombian legation at Paris and myself have taken all possible and imaginable steps to demonstrate the badly-founded and extraordinary nature of this claim of the French fiscal; in fact, it was the first case ever known in which a Government demanded from another Government registration fees for a concession made to its own people. This demand was all the more inadmissible and paradoxical seeing that Colombia had not exacted anything for the registration of the contract made in 1878 between the Colombian Government and the original Panama company. Colombia showed the same disinterestedness in the case of the convention concluded later and prorogued the delay of the concession.

I was convinced that this claim of the French fiscal was absolutely ignored at the Quai d'Orsay, because otherwise the French minister of foreign affairs would have intervened in favor of Colombia, in conformity with the stipulations of the treaty of commerce and navigation made between Colombia and France signed at Bogota, May 30, 1902, by which the two countries agreed to reciprocate "the most favored nation" treaty.

I reasoned, being the financial representative of Colombia to France, my duty clearly is to defend the interests of my country; but perhaps as patriotic feelings may distort my view of the matter, I will ask the opinion of other persons, who, by their neutrality, may judge more impartially, therefore, to have a clear mind on the subject.

I wrote to a Frenchman—a distinguished jurist—who has resided many years in Colombia, and who is conversant with this fiscal litigation. I asked him to reply at once, giving me his ideas. His response was as follows: "The conflict which is on the point of commencing between Colombia and France can and should be avoided; consequently, I accomplish a patriotic work in stating the real case and relating frankly the facts."

"The French fiscal authorities, being the safeguard of the interests of all contributors, are evidently right in pursuing with tenacity for the payment of that which is legally due to them, but their office ends there, and more strictly than any other authority should they refrain from posing as creditors, when they can not prove the legitimacy of the debt."

"In May, 1878, the Colombian Government conceded to the original Panama company the famous concession, the clauses of which it is unnecessary to recapitulate, as they are so well known."

"The concession was signed at Bogota, and simple reflection indicates that the Colombian Government had perfect right to claim and take the cost of stamps, registration, etc. General usage establishes, in fact, that it is the receiver of a concession who pays such costs. Thereupon it was the canal company who should pay; but Colombia, from chivalrous and deferential motives, would not accept anything. Now, the Republic is severely punished for this generosity, which the French fiscal does not appear to have appreciated in all its delicacy. This attitude of the fiscal is inexplicable and not based on sound reasons. How is it that at the expiration of twenty-seven years the fiscal has made such a discovery and dares to insist on such an exaction?"

"During twenty-seven years they have not breathed a word on the subject, and it is only to-day that they have discovered their forgetfulness. Singular creditor this fiscal, which presents the account after allowing to elapse more than a quarter of a century."

"If Colombia owed this sum payment should have been demanded at the time when the contract for the concession was signed, in May, 1878, and from the canal company, not Colombia."

"Since when have Governments received the costs of conventions, contracts, treaties, etc., which pass between them? It has never been done."

"This incident places at stake the dignity of our country, and the government which is entrusted with the good name of France would do wisely in passing to profit and loss account an asset which is plainly unrealizable. The real debtor is not Colombia, which, if it were, would present the unique case of a country claiming from a foreign government the payment of charges on a concession granted to its own people."

"Can you imagine Germany claiming money because of our Gov-

ernment signing a contract with German subjects? France can not lend herself to such a maneuver, which is a negation of all equity, and would forever alienate from us the lively and occasionally touching sympathies of all the South American Republics, especially at a time when the United States, with brutal rudeness, do not even dissemble their intentions to absorb, marching resolutely to this end, and dominate the South American Continent. It is not opportune that France should claim imperiously a considerable sum from a republic almost on the verge of ruin, owing to prolonged civil wars and the loss of one of its richest provinces."

"We forget that 70,000,000 of South Americans regard France as their elder sister, the great Latin nation toward which they turn their eyes full of hope, feeling that we would not look on with indifference at any attempt directed against their independence. We forget also that the South American market represents prosperity in the future. That hundreds of thousands of our compatriots find there cordial hospitality. That we do a large trade there, etc., and we run the risk of losing all that, as also our privileged footing, by claiming a sum not owing to us."

"No; the part to be played by France is very different—the advance guard of human thought. Natural champion of all ideas of justice and equity, our country can not countenance the procedure of a ferocious usurer, abusing his superior strength to rob a weaker people."

"Colombia—still convalescent and hardly recovered from the painful trials which she had undergone—may well demand if we are yet the generous nation of which history chronicles such lofty actions."

"Do we intend forfeiting, for a paltry question of money, our splendid moral prestige, and, perhaps, ruin our trade with South America? We hope not, and believe that the fiscal, with better inspiration—and after calm reflection—will retire a claim twenty-seven years old, of which it is impossible to establish the legitimacy."

The following testifies in our favor also—the part contents of a letter that Mr. Maurice Hutin, formerly president of the administrative council and general director of the New Panama Canal Company, has addressed to me on February 18, this year:

"MY DEAR GENERAL: I have the honor to acknowledge receipt of your letter of February 10. I have received at the same time a copy of the journal containing the letter dated November 15, 1905, that you have addressed to the minister of finance."

"It is not for me to inquire into the motives of the right that you invoke, but in equity and truth your protest is entirely justifiable."

"You are right in recalling to mind that your Government has always respected French interests in the Panama Canal enterprise. You have even the right of adding that your Government has done even more, seeing that it has defended and guarded them on several occasions when they have been seriously in jeopardy. In spite of my self-imposed reserve for some time past, I desire, on this subject, to remind you of two incidents in which I have been personally concerned."

"When the second prorogation of the delay in constructing the canal became necessary in 1894 to permit the constitution of the new company—because the prorogation of 1890, of which you treat in your letter of November 15, already cited, is the first and not the last, as was erroneously printed—the Secretary of State of the United States of America intervened at Bogota in a very pressing, almost menacing manner, advising your Government to refuse the prorogation solicited by the representative of the French company. If the Colombian Government had listened to this counsel, it would have caused, from 1894, the complete and definite ruin of the shareholders of the Lesseps company."

"Later on, in 1901, when the agents of the United States Government, aided by questionable complications, prepared the work of spoliation which your country so cruelly suffered, they volunteered the statement, made to me personally: 'We shall begin when you have finished, as you have neither the time nor the money to complete the canal; and, in fact, the time for construction elapsed in 1904. I obtained from your Government an extension to 1911.'

"It would seem that all these events are forgotten, but what should not be overlooked is that your Government has always had the free disposing of the 50,000 shares of the new company, which has been attributed to it by Article IV of the law of December 26, 1890; that it has had the right to enter into possession of the titles when the subscription shares have been entirely liberated in 1901; that it should have been able to negotiate them advantageously from the commencement of 1902."

"I wish to believe, indeed I am convinced, that my successor is in no way responsible for your adventure; but it is, all the same, very disappointing from every point of view, that your confidence should have been so singularly recompensed."

"The Chamber of Deputies, judging by the recent debate, appears resolved not to permit, under the pretext of recovering the rights of registration, that it be still more reduced, the role which the shareholders of the original canal company have had to be contented with."

"I hope that the measures which will shortly be passed by the French Parliament may have, at the same time, the effect of returning to your Government the titles of which the ownership, in equity and in fact, I again repeat, should never have been questioned."

So that French opinion does not differ from Colombian views on this subject, and numerous cases have occurred in the history of nations which, as precedents, confirm the right of the Government of Colombia to possession of these shares."

By the advice of M. Rouvier, the minister of foreign affairs, I wrote an explanatory letter, November 18, 1905, to M. Merlou, the minister of finance, which has been published in extenso in the Gaulois.

A month after the formal acknowledgment thereof the finance minister curtly informed me that he had given instructions to make a detailed inquiry. Since then I have not heard anything, and when M. Rouvier quitted office I addressed a long letter to his successor, M. Poincaré.

These are the chief points in this Franco-Colombian conflict. The French people will study them and pronounce their verdict. I appeal with confidence to their clear and enlightened judgment."

I have only a few words to add. At an epoch where the struggle for life has become so hard, both for individuals and peoples, where all the great nations are using their best efforts to gain friends in all quarters of the globe to create new outlets for their trade and industries, when France is encountering such powerful competitors in Europe, America, Asia, and Africa, who are fiercely waging war against the products of French labor, and, above all, when the United States are making such strenuous exertions to capture the whole of the trade of Latin-America, it would be extremely unwise of the French Government, for a small matter of a few millions of francs, and, unjustly claimed, to provoke a coldness in the amicable and cordial relations which at present exist between France and Colombia, to diminish

the sympathies which attach a whole people to generous and magnanimous France. The Colombian people are strongly Francophile—by tradition and by choice. French influence—political, commercial, industrial, and, I may add, literary, also—is predominant in Colombia, and all our efforts tend to consolidate more and more the ties of friendship which attach us to France. The Colombian people follows with great interest the progress of this affair, and I had strong reasons for desiring that this Franco-Colombian dispute should be resolved diplomatically and not by judicial means. A diplomatic solution, whatever the issue, would not produce any emotion in Colombia.

At the same time I have full confidence in the spirit of justice and of equity, in the good sense and perspicacity of the Government and of the French bench. They will discover that there is not even ground for discussion, but merely a misunderstanding, and they will decidedly proclaim the indisputable rights of my country. I wish to think before quitting French soil, where for three years I have received generous hospitality and kindness, that I may have the ineffable satisfaction of proving once again that my convictions of France and the French people were right, and that your beautiful country is really worthy of the admiration of foreign peoples.

The VICE-PRESIDENT. The resolution will lie on the table.

LOUIS CASTINETTE.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the President be requested to return the bill (S. 3671) entitled "An act granting an increase of pension to Louis Castinette."

DANIEL G. SMITH.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the President be requested to return the bill (S. 5073) entitled "An act granting an increase of pension to Daniel G. Smith."

IMPROVEMENT OF SASANOA RIVER, MAINE.

Mr. FRYE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be directed to submit to the Senate, from data already available, plan and estimates for improvement of the Sasanoa River, Maine.

CLEAVES'S "CONFERENCES AND CONFERENCE REPORTS."

Mr. CULBERSON submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Senate Report No. 1545, Fifty-seventh Congress, first session, entitled "Conferences and Conference Reports," prepared by Thomas P. Cleaves, be hereafter incorporated in the Senate Manual as a part thereof, under the direction of the Committee on Rules of the Senate.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

Mr. FRYE. I move that the bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river, in Pike County, Ky., be recommitted to the Committee on Commerce.

The motion was agreed to.

ISSUANCE OF LAND PATENTS.

Mr. CARTER. I desire to give notice that on Thursday next, the 24th instant, as soon as the convenience of the Senate may allow after the close of the morning business, I shall submit some remarks in support of the resolution heretofore presented by me relating to the issuance of patents on homesteads, etc., known as Senate resolution 214.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 319. An act to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah;

S. 350. An act for the relief of the heirs of Joseph Sierra, deceased;

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange;

S. 505. An act for the relief of Jacob Livingston & Co.;

S. 538. An act for the relief of Charles T. Rader;

S. 1169. An act for the refund of certain tonnage duties;

S. 1218. An act for the relief of Louise Powers McKee, administratrix;

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails;

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and accepted by the Department of Agriculture during the fiscal year 1902;

S. 1344. An act for the relief of John M. Burks;

S. 1648. An act for the relief of the Hoffman Engineering and Contracting Company;

S. 1668. An act for the relief of the administrator of the estate of Gotlob Groezinger;

S. 1933. An act for the relief of George T. Pettengill, lieutenant, United States Navy;

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy;

S. 2368. An act for the relief of the Postal Telegraph Cable Company;

S. 2578. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 2964. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.;

S. 3574. An act for the relief of John H. Potter;

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May, 1900;

S. 3820. An act for the relief of Eunice Tripler;

S. 3923. An act to reorganize and increase the efficiency of the artillery of the United States Army;

S. 4348. An act for the relief of Augustus Trabing;

S. 4860. An act for the relief of Peter Fairley;

S. 4926. An act for the relief of Etienne De P. Bujac;

S. 4948. An act for the relief of W. A. McLean;

S. 4975. An act giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States;

S. 5446. An act for the relief of John Huggins;

S. 5531. An act for the relief of Francisco Krebs;

S. 5560. An act for the relief of Matthew J. Davis;

S. 5675. An act for the relief of Maj. Seymour Howell, United States Army, retired;

S. 6166. An act for the relief of Edwin S. Hall;

S. 6299. An act for the relief of Pollard & Wallace;

S. 6898. An act concerning licensed officers of vessels; and

S. R. 13. Joint resolution authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 4350. An act for the relief of Arthur A. Underwood;

S. 4423. An act providing for the donation of obsolete cannon with their carriages and equipments to the University of Idaho; and

S. 4819. An act for the relief of M. A. Johnson.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 5. An act to provide for the refunding of certain money, etc.;

H. R. 8. An act for the relief of the Harbison-Walker Company, of Pittsburg, Pa.;

H. R. 639. An act for the relief of C. W. Sturtevant, Rolla Brown, Alice Brown, M. L. Kelly, Robert G. Duffy, Fred Gehring, T. H. Ross, and L. C. Partee;

H. R. 714. An act for the relief of Charles B. Bentley;

H. R. 1050. An act for the relief of Edwin S. Hall;

H. R. 1078. An act for the relief of Hamilton D. South, second lieutenant, United States Marine Corps;

H. R. 1371. An act to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned;

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered;

H. R. 1561. An act authorizing the Secretary of the Navy to grant a discharge to Peter O'Neill;

H. R. 1563. An act for the relief of Matthew J. Davis;

H. R. 1808. An act for the relief of J. J. L. Peel;

H. R. 2326. An act for the relief of J. W. Bauer and others;

H. R. 2926. An act for the relief of the heirs of John Smith;

H. R. 3268. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

H. R. 3462. An act for the relief of Franklin Patterson;

H. R. 3518. An act for the relief of Copiah County, Miss.;

H. R. 3577. An act for the relief of Barclay H. Warburton;

H. R. 4233. An act to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred for repairing damages sustained by its steamer *Sebascodegan* in collision with the U. S. S. *Woodbury*;

H. R. 4271. An act for the relief of Patrick J. Madden;

H. R. 4299. An act for the relief of John Stinson;

H. R. 4300. An act for the relief of A. J. Stinson;

H. R. 4586. An act for the relief of Mrs. R. E. Miller;

H. R. 4629. An act for the relief of William H. Gowdy;

H. R. 5169. An act for the relief of W. B. Sutter;
 H. R. 5195. An act for the relief of the Milburn Wagon Company, of Toledo, Ohio;
 H. R. 5622. An act for the relief of M. D. Wright and Robert Neill;
 H. R. 5666. An act for the relief of L. L. Arrington and L. S. Arrington;
 H. R. 6104. An act to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails;
 H. R. 6417. An act for the relief of T. J. H. Harris;
 H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;
 H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures;
 H. R. 7153. An act for the relief of David McClelland for loss sustained at Chickamauga Park, Georgia, January 29, 1904;
 H. R. 7746. An act for the relief of Columbia Hospital and Dr. A. E. Boozer;
 H. R. 7960. An act for the relief of John C. Ray, assignee of John Gafford, of Arkansas;
 H. R. 8078. An act for the relief of Miss Bernice Farrell;
 H. R. 8080. An act for the relief of S. Kate Fisher;
 H. R. 8365. An act for the relief of C. A. Berry;
 H. R. 8685. An act for the relief of Charles E. Danner & Co.;
 H. R. 8699. An act for the relief of James A. Carroll;
 H. R. 8727. An act for the relief of James W. Kenney and the Union Brewing Company;
 H. R. 8749. An act to refund a fine of \$200 paid by Charles H. Marsden, owner of the tug *Owen*;
 H. R. 9109. An act for the relief of J. H. Henry;
 H. R. 9131. An act for the relief of the legal representatives of Charles D. Southerlin;
 H. R. 9132. An act for the relief of the legal representatives of Benjamin F. Pettit;
 H. R. 9212. An act for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased;
 H. R. 9289. An act for the relief of the Mitsui Bussan Kaisha;
 H. R. 9298. An act for the relief of the heirs at law of David C. Haynes, deceased;
 H. R. 9386. An act for the relief of Henry Hirschberg;
 H. R. 9778. An act for the relief of Philip Loney;
 H. R. 10305. An act to provide for the repayment of certain customs dues;
 H. R. 10595. An act for the relief of Nye & Schneider Company;
 H. R. 11676. An act for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal;
 H. R. 12009. An act for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner;
 H. R. 12124. An act granting an increase of pension to Howard Brown;
 H. R. 12188. An act for the relief of George T. Larkin;
 H. R. 12686. An act for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charlotte G. Hayward;
 H. R. 12840. An act for the relief of L. Biertempfel;
 H. R. 13418. An act for the relief of W. S. Hamaker;
 H. R. 13605. An act to satisfy certain claims against the Government arising under the Navy Department;
 H. R. 14125. An act for the relief of The Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.;
 H. R. 14381. An act authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department;
 H. R. 14464. An act for the relief of Wiley Corbett;
 H. R. 15594. An act for the relief of John B. Brown;
 H. R. 16085. An act for the relief of Gordon, Ironsides & Fares Company (Limited);
 H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell;
 H. R. 16581. An act for the relief of George W. Schroyer;
 H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels *Sotie R.*, *Mathilda R.*, and *Helen R.*;
 H. R. 17285. An act for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry;
 H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce;
 H. R. 18020. An act for the relief of Snare & Triest Company;
 H. R. 18865. An act for the relief of John and David West;
 H. R. 18924. An act for the relief of George M. Esterly;
 H. R. 19275. An act for the relief of T. E. Boyt;

H. R. 19284. An act for the relief of James Behan;
 H. R. 19493. An act to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States;
 H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication;
 H. R. 20168. An act for the relief of F. Kraut, of Leon Springs, Tex.;
 H. R. 20169. An act for the relief of Margaret Neutze, of Leon Springs, Tex.;
 H. R. 22291. An act to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy;
 H. R. 22362. An act for the relief of Esther Rousseau;
 H. R. 23114. An act extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;
 H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;
 H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.;
 H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves";
 H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana;
 H. R. 24048. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns;
 H. R. 24104. An act transferring Phelps County to the eastern division of the eastern judicial district of Missouri;
 H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals;
 H. R. 24541. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes;
 H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa; and
 H. J. Res. 221. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.
 The foregoing House claims bills were severally read twice by their titles, and referred to the Committee on Claims.
 The message also communicated to the Senate resolutions commemorative of the life, character, and public services of Hon. WILLIAM B. BATE, late a Senator from the State of Tennessee.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:
 H. R. 121. An act authorizing the extension of Seventeenth street NW.;
 H. R. 128. An act for the opening of a connecting highway between Water Side drive and Park road, District of Columbia;
 H. R. 8435. An act for the opening of Fessenden street NW., District of Columbia;
 H. R. 10843. An act authorizing the extension of Kenyon street NW.;
 H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia;
 H. R. 14900. An act to extend Fourth street NE.;
 H. R. 16944. An act to amend section 878 of the Code of Law for the District of Columbia; and
 H. R. 21689. An act to increase the limit of cost of five light-house tenders heretofore authorized.

PORT OF BELLINGHAM, WASH.

Mr. PILES. I report back from the Committee on Commerce without amendment the bill (S. 7501) extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880; and I ask that the House bill on the same subject, which is on the Vice-President's desk, be laid before the Senate.

The bill (H. R. 23114) extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate

transportation of dutiable merchandise without appraisement, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Bellingham, in the State of Washington.

Mr. PILES. I ask for the immediate consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PILES. I move that Senate bill 7501, which I have just reported, be indefinitely postponed.

The motion was agreed to.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. HANSBROUGH. I ask the Chair to lay before the Senate House joint resolution 221.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 221) to fill a vacancy in the Board of Regents of the Smithsonian Institution was read the first time by its title.

Mr. HANSBROUGH. I ask that the joint resolution may be read.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of George Gray, a citizen of Delaware, whose term expired January 14, 1907.

Mr. HANSBROUGH. I ask that the joint resolution be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On January 18:

- S. 1347. An act granting a pension to Martha W. Pollard;
- S. 2503. An act granting a pension to Isaac Carter;
- S. 5084. An act granting a pension to John W. Connell;
- S. 5138. An act granting a pension to Jane Metts;
- S. 5771. An act granting a pension to Mary E. Thompson;
- S. 6019. An act granting a pension to Harriet O'Donald;
- S. 6814. An act granting a pension to Alice Bosworth;
- S. 10. An act granting an increase of pension to Roswell Prescott;
- S. 123. An act granting an increase of pension to William M. Morgan;
- S. 480. An act granting an increase of pension to Silas A. Reynolds;
- S. 677. An act granting an increase of pension to Albert G. Peabody, jr.;
- S. 679. An act granting an increase of pension to Thomas Kelly;
- S. 768. An act granting an increase of pension to William H. Rhoads;
- S. 771. An act granting an increase of pension to Samuel G. Kreidler;
- S. 774. An act granting an increase of pension to August Krueger;
- S. 831. An act granting an increase of pension to Isaac G. Clark;
- S. 1240. An act granting an increase of pension to Dana W. Hartshorn;
- S. 1257. An act granting an increase of pension to Patrick O'Day;
- S. 1493. An act granting an increase of pension to Cathrin Huff;
- S. 1857. An act granting an increase of pension to William Vantilburgh;
- S. 1891. An act granting an increase of pension to Charles F. M. Morgan;
- S. 1941. An act granting an increase of pension to Elvira A. Kelly;
- S. 2249. An act granting an increase of pension to George W. Smith;

- S. 2541. An act granting an increase of pension to Thomas W. Murray;
- S. 2643. An act granting an increase of pension to James H. Thrasher;
- S. 2669. An act granting an increase of pension to Winfield S. Ramsay;
- S. 2734. An act granting an increase of pension to John R. Conyngham;
- S. 2737. An act granting an increase of pension to Benjamin Hains;
- S. 2749. An act granting an increase of pension to John H. Brooks;
- S. 2794. An act granting an increase of pension to John H. Allison;
- S. 3220. An act granting an increase of pension to Wilbur H. Clark;
- S. 3221. An act granting an increase of pension to Robert Mills;
- S. 3763. An act granting an increase of pension to Mary A. Baker;
- S. 3767. An act granting an increase of pension to Samuel Turner;
- S. 3931. An act granting an increase of pension to Fanny A. Pearsons;
- S. 4032. An act granting an increase of pension to Solomon Craighton;
- S. 4053. An act granting an increase of pension to William A. Smith;
- S. 4127. An act granting an increase of pension to Samuel Paine;
- S. 4389. An act granting an increase of pension to Florence B. Plato;
- S. 4406. An act granting an increase of pension to Susan N. Fowler;
- S. 4510. An act granting an increase of pension to Rufus C. Allen;
- S. 4542. An act granting an increase of pension to Aaron Daniels;
- S. 4771. An act granting an increase of pension to George R. Turner;
- S. 4772. An act granting an increase of pension to Gertrude McNeil;
- S. 4894. An act granting an increase of pension to Robert Ramsey;
- S. 4909. An act granting an increase of pension to Louis Sidel;
- S. 4979. An act granting an increase of pension to Don C. Smith;
- S. 5001. An act granting an increase of pension to Louis A. Baird;
- S. 5067. An act granting an increase of pension to Martin Schultz;
- S. 5156. An act granting an increase of pension to Granville F. North;
- S. 5176. An act granting an increase of pension to Lewis C. Janes;
- S. 5443. An act granting an increase of pension to James D. Merrill;
- S. 5493. An act granting an increase of pension to Marcus Wood;
- S. 5502. An act granting an increase of pension to John B. Coyle;
- S. 5573. An act granting an increase of pension to Gustavus A. Thompson;
- S. 5599. An act granting an increase of pension to Dennis Flaherty;
- S. 5685. An act granting an increase of pension to James M. Jenkins;
- S. 5693. An act granting an increase of pension to Margaret L. Houlihan;
- S. 5725. An act granting an increase of pension to Alonzo S. Prather;
- S. 5727. An act granting an increase of pension to Lucius Rumrill;
- S. 5740. An act granting an increase of pension to Jared Ayer;
- S. 5741. An act granting an increase of pension to Amelia M. Hawes;
- S. 5823. An act granting an increase of pension to Nelson Virgin;
- S. 5826. An act granting an increase of pension to Isaac C. Phillips;
- S. 5892. An act granting an increase of pension to Daniel W. Redfield;
- S. 5963. An act granting an increase of pension to James Reed;

S. 5980. An act granting an increase of pension to Jacob Smith;
 S. 6001. An act granting an increase of pension to Emily Killian;
 S. 6005. An act granting an increase of pension to John G. Bridaham;
 S. 6008. An act granting an increase of pension to Joseph Lamont;
 S. 6035. An act granting an increase of pension to John Fox;
 S. 6051. An act granting an increase of pension to Mary A. Duncan;
 S. 6052. An act granting an increase of pension to William E. Redmond;
 S. 6131. An act granting an increase of pension to Frances A. Jepson;
 S. 6163. An act granting an increase of pension to William H. Westcott;
 S. 6186. An act granting an increase of pension to James L. Estlow;
 S. 6203. An act granting an increase of pension to Francis W. Crommett;
 S. 6230. An act granting an increase of pension to Nellie Paxton;
 S. 6232. An act granting an increase of pension to John L. Anthony;
 S. 6238. An act granting an increase of pension to Hugh S. Strain;
 S. 6239. An act granting an increase of pension to Kate M. Miner;
 S. 6250. An act granting an increase of pension to Alice G. Clark;
 S. 6266. An act granting an increase of pension to Paul Baker;
 S. 6267. An act granting an increase of pension to Denis A. Manning;
 S. 6347. An act granting an increase of pension to Edward R. Cunningham;
 S. 6353. An act granting an increase of pension to Dolores S. Foster;
 S. 6367. An act granting an increase of pension to Joseph Johnston;
 S. 6368. An act granting an increase of pension to Sherrod Hamilton;
 S. 6429. An act granting an increase of pension to Mary L. Beardsley;
 S. 6438. An act granting an increase of pension to Martha J. Haller;
 S. 6466. An act granting an increase of pension to Samuel Moser;
 S. 6485. An act granting an increase of pension to Samuel Cook;
 S. 6505. An act granting an increase of pension to Theodore M. Benton;
 S. 6506. An act granting an increase of pension to Henry Z. Bowman;
 S. 6514. An act granting an increase of pension to Alfred A. Stocker;
 S. 6537. An act granting an increase of pension to William Eppinger;
 S. 6538. An act granting an increase of pension to Betsey A. Hodges;
 S. 6558. An act granting an increase of pension to Samuel A. Pearce;
 S. 6560. An act granting an increase of pension to Reuben D. Dodge;
 S. 6561. An act granting an increase of pension to George W. Blair;
 S. 6568. An act granting an increase of pension to Wilbur F. Hodge;
 S. 6569. An act granting an increase of pension to George Porter;
 S. 6572. An act granting an increase of pension to Aaron L. Roberts;
 S. 6574. An act granting an increase of pension to Maria H. Waggoner;
 S. 6576. An act granting an increase of pension to Michael Meyers;
 S. 6579. An act granting an increase of pension to Ezekiel Morrill;
 S. 6580. An act granting an increase of pension to Ella B. Green;
 S. 6581. An act granting an increase of pension to Joseph W. Lowell;
 S. 6583. An act granting an increase of pension to Abram P. Colby;
 S. 6585. An act granting an increase of pension to Amos Ham;

S. 6586. An act granting an increase of pension to Wesley J. Ladd;
 S. 6591. An act granting an increase of pension to Henry Campbell;
 S. 6596. An act granting an increase of pension to Cyrus W. Cobb;
 S. 6597. An act granting an increase of pension to Frank H. Read;
 S. 6631. An act granting an increase of pension to George W. Hodgman;
 S. 6632. An act granting an increase of pension to William Davis;
 S. 6636. An act granting an increase of pension to Andrew J. Grover;
 S. 6645. An act granting an increase of pension to Timothy C. Stilwell;
 S. 6650. An act granting an increase of pension to John A. McGinty;
 S. 6705. An act granting an increase of pension to Holmes Clayton;
 S. 6707. An act granting an increase of pension to Stephen E. Lemon;
 S. 6709. An act granting an increase of pension to Samuel Shawver;
 S. 6712. An act granting an increase of pension to Orin Ingram;
 S. 6714. An act granting an increase of pension to Joseph Bolshaw;
 S. 6717. An act granting an increase of pension to Manasa T. Houser;
 S. 6718. An act granting an increase of pension to Augustus L. Holbrook;
 S. 6723. An act granting an increase of pension to Agusta P. Morgan;
 S. 6767. An act granting an increase of pension to John C. Brown;
 S. 6819. An act granting an increase of pension to Nelson Bigalow;
 S. 6821. An act granting an increase of pension to Jonathan M. Adams;
 S. 6822. An act granting an increase of pension to Christopher Christopherson;
 S. 6824. An act granting an increase of pension to Byron Canfield;
 S. 6825. An act granting an increase of pension to Thomas M. Roberts;
 S. 6826. An act granting an increase of pension to Jacob Turner;
 S. 6829. An act granting an increase of pension to Thomas P. Cheney;
 S. 6881. An act granting an increase of pension to Jefferson Bush;
 S. 6882. An act granting an increase of pension to Elisha H. Stephens;
 S. 6883. An act granting an increase of pension to Thomas W. White;
 S. 6885. An act granting an increase of pension to William H. Anderson;
 S. 6942. An act granting an increase of pension to William B. Dow;
 S. 6978. An act granting an increase of pension to Samuel Jackson;
 S. 6997. An act granting an increase of pension to William Kennedy;
 S. 7065. An act granting an increase of pension to Lovisa Donaldson;
 S. 7077. An act granting an increase of pension to Mary E. Hattan;
 S. 7160. An act granting an increase of pension to Kate Myers;
 S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers; and
 S. R. 76. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.
 On January 19, 1907:
 S. 6855. An act to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I ask the Chair to lay before the Senate the action of the House of Representatives on the legislative, executive, and judicial appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to all the amendments

of the Senate, except amendment No. 222, to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, and agreeing to amendment No. 222, with the following amendment:

Omit the matter stricken out by the said amendment and insert the following:

"That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States, and the heads of Executive Departments who are members of the President's Cabinet, shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each."

And asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. Mr. President, the Committee on Appropriations of the Senate decline to take any action on the question of the salaries of Members of the House of Representatives, Senators, and Cabinet officers, preferring that the Senate itself, if anything is to be done on the subject, should take its own course in reference to it. I therefore, for the purpose of getting a vote on the question, move that the Senate concur in the amendment of the House of Representatives to amendment No. 222.

Mr. BERRY. Mr. President, it seems to me the course proposed by the Senator from Illinois [Mr. CULLOM] is unusual in regard to a general appropriation bill. The general custom has been, I think, where the House of Representatives disagrees to all the amendments of the Senate but one, that when the bill comes back to the Senate the motion is made that the Senate insist on its amendments and agree to the conference asked by the House.

The Senator from Illinois proposes to take out this one amendment of the House of Representatives, to agree to it, and to have a conference in regard to all the other items of amendment on the part of the Senate, as to which the other House have disagreed.

Mr. President, I desire to say a few words in reference to the pending proposition, but I prefer that the motion made by the Senator from Illinois should lie over until to-morrow, as I am not ready this morning to say what I desire. I am opposed to this amendment, and I desire an opportunity to give the reasons for my opposition. I therefore ask the Senator from Illinois to let the motion lie over until to-morrow morning.

Mr. CULLOM. I desire, Mr. President, that the amendment shall be disposed of by the Senate to-day, and I know of no rule to take it over. So I hope it will be now disposed of by a vote of the Senate.

Mr. BERRY. Mr. President, I did not state that there was any rule to take it over; but it seems to me extraordinary on the part of the Senator from Illinois, after I had stated that I desired to speak upon the amendment and was not ready to proceed at this time, that he should insist that as to this particular amendment the rule is to be made different from any which has heretofore existed in the practice of the Senate. I think the request I have made, that the matter should be postponed until to-morrow morning, is not unreasonable. Then I can give the reasons why I am opposed to the amendment. If a majority of the Senate should differ from me and want to vote for it then they can certainly wait until to-morrow morning. There is no special hurry about the matter, so far as I can see, and I trust the Senator will not insist on taking the vote on it to-day.

Mr. CULLOM. Mr. President, if I really felt that the Senator desired delay in order to make preparation for a speech, I should feel inclined to yield to the Senator, but I think the Senator was disappointed a week ago when the bill was before the Senate, that he did not then have an opportunity to make a speech against the provision, which he supposed would remain in the bill. I hope the Senator will not insist on the amendment going over.

Mr. BERRY. Mr. President, I want to say that I am opposed—

Mr. BACON. Before the Senator begins—

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. BERRY. Certainly.

Mr. BACON. I hope the Senator from Illinois [Mr. CULLOM] will not refuse the Senator from Arkansas [Mr. BERRY] the courtesy which is almost universally granted to a Senator when he suggests that he wishes to address himself to a proposition, but for any reason is not ready to go on. It is the universal custom of the Senate, under such circumstances, to grant the indulgence. The Senator from Arkansas states in his place that he is not ready to go on to-day; and there is certainly no such emergency as should deny to him in this particular case

what is generally granted to Senators whenever they make such a statement and such a request.

Mr. CULLOM. I really did not believe that the Senator from Arkansas was in dead earnest about this matter.

Mr. BERRY. The Senator has served here with me for some twenty-two years; and if he has ever heard me utter a word on the floor when I was not in dead earnest, I should be glad to have him point out the time. I do not make statements unless I am in dead earnest.

Mr. CULLOM. I will yield to the Senator, if he desires it, but I really thought the Senator was prepared to do what he proposes to do—that is, to oppose the amendment. If the Senator desires time I will yield.

Mr. BERRY. That is what I have said. I have stated that I desired that the matter should go over until to-morrow morning, as I am not prepared to go on this morning with the remarks I wish to submit.

Mr. CULLOM. The matter may go over, so far as I am concerned, Mr. President.

The VICE-PRESIDENT. The motion will go over until to-morrow morning.

EXTENSION OF TIME FOR HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I am instructed by the majority of the Committee on Public Lands to report a joint resolution, for which I ask present consideration.

The joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen, was read by its title.

Mr. HEYBURN. Let the joint resolution be read at length. The joint resolution was read, as follows:

Be it resolved, etc., That all persons who made homestead entry in the States of North Dakota, South Dakota, Minnesota, Montana, and Wyoming, where the six months' period in which they were or are required by law to establish residence expired or expires after December 1, 1906, are hereby granted until May 15, 1907, within which to make actual settlement and establish residence upon the lands so entered by them.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. Mr. President, having objected a few moments ago to the consideration of the resolution, it is proper that I should say that as it is now presented in the form of a joint resolution reported from the Committee on Public Lands I certainly have no objection to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HEYBURN. I move to amend the joint resolution by inserting the name of the State of Idaho after that of South Dakota.

Mr. HANSBROUGH. I have no objection to the amendment.

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. After the name "South Dakota" it is proposed to insert "Idaho."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its chief clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 221) to fill a vacancy in the Board of Regents of the Smithsonian Institution; and it was thereupon signed by the Vice-President.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, if the morning business is closed, I ask that Senate resolution No. 208 may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the modified resolution submitted by the Senator from Ohio [Mr. FORAKER] January 16, 1907, which will be read:

The Secretary read the resolution, as follows:

Resolved, That the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Mr. FORAKER. Mr. President, I modify the resolution heretofore offered by me, No. 208, and ask that the modification may be read from the desk.

The VICE-PRESIDENT. The resolution submitted by the Senator from Ohio will be read as modified.

The Secretary read as follows:

Resolved, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Mr. FORAKER. Mr. President, I have repeatedly said since I introduced the first resolution on this subject that I had no purpose in introducing that resolution to refer to the Committee on Military Affairs any question as to the power, constitutional or legal, of the Chief Executive, my sole purpose being to have an investigation for the purpose of ascertaining the facts. In order that we might meet some of the suggestions that have been made by others, who seemed to fear that question was involved because of the form of the resolution as I offered it, I have heretofore modified the resolution I originally offered. That does not seem to have entirely met that objection, but I understand that the modification now offered does meet that objection, so far at least as my party colleagues are concerned. I have been of the opinion all the while, and am now, that that question was not involved and that it did not properly belong here, but I can understand how there may be differences of opinion about it on the part of men who are as earnest as I am and as anxious as I am to do only justice to all concerned in the matter.

I agreed to this modification with the understanding on my part that it does not change the legal effect of the resolution; that it does not restrict or restrain the scope of the inquiry as to the facts. When the facts are ascertained we will be in the situation of having not raised that question in any way whatever and of not being precluded as to that question by anything that we may have done in the case.

Mr. LODGE. Mr. President, I have an amendment pending to the resolution of the Senator from Ohio, which is the first amendment offered. I desire now to withdraw that amendment. I do it, Mr. President, for the following reasons:

I have had but one purpose in the part which I have taken in this debate and in the amendments which I have offered to the resolution presented by the Senator from Ohio [Mr. FORAKER], and that was to exclude from the consideration of the committee what I thought neither the Senate nor the committee had the right to discuss—the power of the President to take the action which he took. That has seemed to me a question of the very greatest moment. Nothing has appeared to me more inept than the criticism that those of us who took that view were advocating measures of centralization or seeking to increase Executive power. If there is anything to my mind more essential than another for the conservative maintenance of the constitutional principles of the Government, it is to keep entirely separate the three great branches, as the Constitution provides.

It is not very long, Mr. President, since I most reluctantly, but most decidedly, in accord with a large majority of the Senate, voted to amend certain treaties before us, because it seemed to me that an interpretation had been placed upon those treaties which, if maintained, would be a distinct infringement upon the rights of the Senate; and as I am jealous of the maintenance of all the rights of the Senate and of the Congress, it is equally important that the rights of the other departments of the Government should be scrupulously maintained. If we begin to invade the well-defined provinces of the other departments of the Government, to review and revise Executive acts, performed in accordance with the powers conferred upon the Executive, either by the Constitution, by the statutes, or by both, the time is not far distant when we may look not merely for Executive interference with the action of Congress, but for Executive interference or Congressional interference with the decisions of the courts, than which I can conceive of nothing more disastrous to the conservation of those great principles on which I believe the security of our Government rests.

It was to exclude, Mr. President, entirely from the purview of the committee the consideration of the power of the President to take action which rested wholly within his executive discretion that I have taken part in this debate and offered this amendment. The resolution of the Senator from Ohio, as now modified, not only embodies in substance my amendment, but makes it—and I think wisely makes it—more explicit and exact. Of the resolution of the Senator from Ohio as it now stands, there can be no possible misunderstanding. I withdraw my amendment, and I trust that the modified resolution of the Senator from Ohio may pass exactly as it is now offered.

Mr. BACON. Will the Senator from Massachusetts permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. I want to ask the Senator this question: The Senator says there can be no doubt about the construction of this modified resolution, and possibly we may agree on that; but I desire to ask the Senator this question with a view to determining that point: The Senator will remember that the amendment offered by the Senator from Kentucky [Mr. BLACKBURN] was to insert after the words "*Resolved, That*" the words—

Without questioning or denying the legal right of the President to discharge without honor enlisted men from the Army of the United States.

The language used in the modified resolution of the Senator from Ohio is this:

That without questioning the legality or justice of any act of the President in relation thereto.

Now, taking those two sentences, does the Senator consider or understand that in construing the sentence as proposed in the modified resolution of the Senator from Ohio it is the same in intent and effect as the language expressed in the amendment offered by the Senator from Kentucky?

Mr. LODGE. The modification offered by the Senator from Ohio [Mr. FORAKER] excludes the question of the legality of the President's action not merely as to the discharge of the enlisted men without honor, to which the amendment of the Senator from Kentucky [Mr. BLACKBURN] is confined, but the legality of any act relating thereto—that is, of course, as to the Brownsville matter.

Mr. BACON. So I understand, then, that the Senator construes the modified substitute proposed by the Senator from Ohio to mean all that the amendment proposed by the Senator from Kentucky means and to go still further?

Mr. LODGE. I do.

Mr. BACON. You understand it to mean all that and to go still further?

Mr. LODGE. Mr. President, I ought to say that the words "or denying" are left out—

Mr. FORAKER. I want to suggest—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I want to suggest to the Senator from Massachusetts that, according to my understanding, the two amendments do not mean the same thing.

Mr. BACON. That was the exact point as to which I desired information.

Mr. FORAKER. The words "or denying" are left out, and the effect of the modification, as I have made it, is simply to leave out of consideration for the present time, and to express no opinion whatever in regard to it, all questions in regard to legality or power.

Mr. LODGE. Mr. President, the words "or denying," which I did not think of when I replied to the Senator from Georgia [Mr. BACON] seem to me to be of no consequence whatever. The words used in the resolution are "without questioning."

Mr. BACON. Well, would the Senator object to inserting them, then, in the modified substitute resolution proposed by the Senator from Ohio?

Mr. LODGE. Mr. President, I see no need of inserting the words "or denying" for the words "without questioning" mean that we do not question the President's right to do it, if the English language has any meaning at all.

Mr. BACON. The Senator thinks, then, that the words "without questioning" include "without denying."

Mr. LODGE. I think they do, to my mind, include it.

Mr. BACON. Yes. Therefore the Senator himself would have no objection to the insertion of the words "without denying."

Mr. LODGE. I certainly shall object to inserting the words "or denying," if that is what the Senator means.

Mr. BACON. Does the Senator desire, in the passage of this resolution, to leave any doubt as to whether or not the Senate deny it?

Mr. LODGE. The resolution as it stands is absolutely satisfactory to me. It states that we do not question the President's right either to discharge the troops or in any act relating thereto. Nothing can be plainer than that, in my judgment.

Mr. BACON. Well, Mr. President, I do not think the Senator and I differ very materially as to the end we seek, but we differ materially as to the phraseology.

Mr. LODGE. Mr. President, I can answer the Senator in a moment, that the phraseology, as it now stands, seems to me to

perfectly cover the point which I desire to cover. I agreed to it on that understanding, and I certainly shall not depart from my agreement. If it does not mean that, then I am greatly misled.

Mr. BACON. I hope that in the course of the consideration of this matter we may be able to insert in this modified resolution, as now proposed by the Senator from Ohio, after the word "questioning," the words "or denying."

Mr. FORAKER. Mr. President, I want to say, in answer to the suggestion of the Senator from Massachusetts [Mr. LODGE], that my understanding of this language is that it does not commit the Senate on this proposition in any sense whatever, except only to let the whole matter stand in abeyance so far as this investigation is concerned. That is the theory upon which I am willing to modify the resolution, with that understanding. In other words, the effect will be precisely the same as though we were to say "neither affirming nor denying the legality."

Mr. BLACKBURN. On Thursday last, Mr. President, I submitted an amendment which I proposed to offer to the resolution of the Senator from Ohio [Mr. FORAKER], and advised the Senate that, at the conclusion of that Senator's argument, I should submit some suggestions in connection with the amendment proposed by myself. During the time intervening it seems that the other side of the Chamber have found common ground satisfactory to themselves.

I was not willing, Mr. President, that the resolution offered by the Senator from Ohio unamended should pass. My unwillingness was mainly attributable to the tenor of the speeches the Senator from Ohio had made upon his resolution. I understand him this morning to say that it was never his purpose through this agency of the Senate, the Committee on Military Affairs, to inquire into the question of law involved in the exercise of a right which the President had asserted. I certainly did not so construe the speeches made by the Senator from Ohio in the earlier stages of this debate.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. With pleasure.

Mr. FORAKER. The Senator from Kentucky will not find in any speech I have made on this subject, in either the earlier or the later stages, any statement that I expected the Committee on Military Affairs to inquire into the question of power.

Mr. BLACKBURN. Nor have I said so.

Mr. FORAKER. But the Senator will find in all those remarks, wherever I had occasion to speak of the subject at all, precisely the same statement in effect, that I wanted the facts and had no thought of asking or directing the Committee on Military Affairs to inquire into or to determine the question of power.

Mr. BLACKBURN. That is all very true, Mr. President.

Mr. FORAKER. There was, if the Senator will bear with me a moment, certainly some discussion of the question of power, and a great deal of discussion; but that was not because of the form of the resolution which was before the Senate, but only because that question had been introduced into the controversy by statements originally made in the message from the President himself and later in answer to arguments that had been advanced by Senators to the contrary of the position I have taken.

Mr. BLACKBURN. Now, Mr. President, I will repeat—for I am sure I can not be mistaken in my memory of this matter—whilst it is true, as the Senator from Ohio now contends, that he has not in any of his arguments upon this question avowed a purpose to go into the inquiry as to the existence of this power upon the part of the President, I can not be mistaken that in those earlier arguments which he submitted he did emphatically state, when that very question was raised, that he opposed any limitation being put upon the scope of the investigation which the committee was to make.

Mr. FORAKER. I just as earnestly and emphatically oppose any restriction or limitation being placed on it now.

Mr. BLACKBURN. Then—

Mr. FORAKER. But the investigation is to be an investigation as to the facts and not as to the law; and I also opposed anything in this resolution that would estop the Senate itself, if after the facts have been laid before the Senate it should see fit to do so, from taking any action it might think appropriate to take.

Mr. BLACKBURN. If I may have the permission of the Senator from Ohio I will proceed.

Mr. FORAKER. I beg pardon of the Senator from Kentucky if I have interrupted him.

Mr. BLACKBURN. There is no need of that.

Mr. President, I am not mistaken in my recollection of another fact which bears very importantly and potently on the question now, that in those earlier arguments of the Senator from Ohio he quoted at length authorities, piled like Ossa on top of Pelion, in support of his challenge of the power of the President.

Mr. FORAKER. Certainly.

Mr. BLACKBURN. He denied that the President had the power, and he fortified that denial by an exhaustive quotation of authorities from yonder judicial branch of the Government. Will he undertake to tell us now that that question was never in issue? Will he undertake to tell us now that the legal authority of the President was never challenged? Then why that waste of time and that limitless citation of legal authorities?

I opposed the resolution of the Senator from Ohio. I was not willing that it should be passed unamended. Hence I gave notice of a purpose to put an amendment on it which would limit the scope of the investigation of the Committee on Military Affairs, and rule it down to an inquiry into facts, but with an express disclaimer in advance by the Senate that they did not mean to impeach or challenge, to question or deny, the legal authority vested in the President for the act which he had performed.

I belong to that advanced school in this discussion, which not only believes that the President held the statutory power and authority, but that he also held the constitutional warrant and the full authority given under the Articles of War. For that reason I submitted a proposed amendment to the resolution of the Senator from Ohio, and that amendment has but one purpose in view. It was to operate as a disclaimer, upon the part of the Senate, of any purpose of challenging the legal authority of the Executive.

Mr. President, now a modified resolution is offered as a substitute. I very much regret that it should even appear to fail to meet the views of any Senator upon either side of this Chamber. On Thursday last, as I have stated before, I expressed a purpose of submitting some remarks upon that amendment which I proposed. It may be that I am entitled to some small measure of credit for having by that threat of inflicting a speech upon the Senate contributed in some humble measure toward the restoration of harmony among my friends on the other side. [Laughter.]

The modified resolution as offered to the Senate to-day is amply satisfactory to me. It employs, with very slight change, the very identical language of the amendment that I submitted.

There is not a shadow of difference, except the elimination of two words—"or deny." With that exception the phraseology of the substitute resolution now offered by the Senator from Ohio embodies the precise phraseology of my proposed amendment, and goes further, for it declares that there is no question as to the discretion exercised by the President.

I say, sir, without the slightest hesitation or embarrassment, that I am entirely content—just as fully content with the resolution offered by the Senator from Ohio as I would have been had his original resolution been amended as I proposed. I would be lacking in fairness, I would be fairly subject to criticism for a want of candor, if I did not here and now in my place avow the purpose of insisting, as a member of the Military Affairs Committee, upon the construction that the Senator from Massachusetts has just placed upon the pending resolution. I, as a member of the Military Affairs Committee, serve notice now that should this amended resolution be adopted, as I doubt not it will be, I will go into that committee room with the firm conviction riveted in my mind that I have no authority from the Senate to inquire into either the legal authority of the President or the discretion that he employed in the issue of that order.

Now, sir, having said that much in that shape and in that form, I have nothing more to say. I am glad to advise the Senate of the fact that it has escaped the affliction with which I threatened it on last Thursday. And now, Mr. President, when I contemplate that within a very few weeks I am to pass out from this Chamber and cease to be a member, may I not indulge the hope that in my retirement, in the privacy of home and family, I will be remembered kindly by the Republican membership that I leave behind for the humble but apparently material and valuable assistance that I have contributed to their side in my efforts as a peacemaker. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair will admonish the occupants of the galleries that under the rules of the Senate applause is not allowed.

Mr. McCUMBER obtained the floor.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I yield to the Senator from Ohio for a moment.

Mr. FORAKER. No one, Mr. President, has listened to the valedictory of the Senator from Kentucky [Mr. BLACKBURN] with greater regret than I have. He is a friend of many years' standing, a man of great ability, of high character, lovable in every sense of the word, particularly in all his relations as a colleague in this Chamber. I listened to the valedictory, however, not as one without hope, and I listened to it also, Mr. President, with a great deal of satisfaction in the thought that I could in response to him say that when he goes into the Committee on Military Affairs for the purpose of construing the resolution we are about to adopt in the way he says he will construe it he will find me construing it in precisely the same way. He would have found me so construing it if it had been adopted precisely as I first offered it.

Mr. BLACKBURN. Will the Senator allow me a word here?

Mr. FORAKER. Certainly.

Mr. BLACKBURN. I simply ask this courtesy that I may disclaim even the semblance of a suggestion of doing an injustice to the Senator. We may differ, as we often have differed, upon questions, and some of vital importance. My acquaintance with the Senator from Ohio began long before he was known to fame. A quarter of a century ago, sir, he and I sat as a court for six weeks trying an important suit by the process of arbitration. I then was fortunate in having the opportunity of getting a measure upon that man, and I beg to say here in all candor that from then till now I have never had occasion to change that estimate nor to abate my full faith either in his frankness or in his ability. But he is entitled to have me say this: I never suspected him of fighting under cover. Of the many attributes which the Senator has there is none that I admire more than the open, bold, frank, manly way in which he conducts all his contests.

Mr. FORAKER. I am much obliged to the Senator from Kentucky for his interruption. I assure him I properly appreciate all he has said and all he has suggested.

Now, if I may repeat, for that is the only thing I am particular about, I will say again that I have had no thought at any time—and I have said that repeatedly in the progress of this debate—of questioning in the committee under this resolution the power of the Chief Executive or any act of the Chief Executive. At the same time I have strenuously contended that before the facts are ascertained, which we hope may be ascertained in full by this investigation, the Senate should not preclude itself as to any question upon which it may be called upon to take action. For that reason I have objected to anything that would be in the nature of a declaration on the part of the Senate that it did not have this power or that power or the other power.

I agree to this modification because I understand that it does not amount to any such precluding of the Senate, when the facts are all laid before it, to take such action as the Senate may see fit to take. For that reason I have been willing to adopt any language that might meet with acceptance on the part of other objecting Senators. I have not cared what the particular language was so we get the thing accomplished that I have been seeking to accomplish, namely, an investigation of the facts.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I do.

Mr. TILLMAN. Mr. President, I rise merely to say that, sitting here and listening to these sweet words of friendship and peace, of renewed amity, I am reminded of that text in the Scriptures, "How good and how pleasant it is for brethren to dwell together in unity." The Senator from Massachusetts has squeezed through a very small hole to get back to the majority of his party. The Senator from Kentucky has squeezed out of the very same small hole to get back to that consciousness of rectitude and of a nonpartisan purpose apparently with which he offered his amendment. I congratulate Senators upon all of us being agreed for once.

Mr. McCUMBER. Mr. President, when this resolution first came before the Senate I do not believe there was a single Senator who believed it was to be made the vehicle of a political ball game, and I for one Senator on this side am not ready to admit that it shall take that aspect even at the present time.

If it is to be considered as a political game, then I want to say frankly to the Senator from Ohio [Mr. FORAKER] that I think the Senator from Kentucky [Mr. BLACKBURN] has scored a good home run.

The true meaning of the amended resolution that has been presented and which the Senator says has practically been accepted by all of the Republicans is practically the same as that of the amendment of the Senator from Kentucky. The Senator from Ohio is a splendid lawyer; he knows how to express an idea clearly and definitely, and I am satisfied that if he had been drawing a resolution which he intended to mean that "independent of or without either affirming or denying the power of the President so to act" he would have used the term "without denying or without affirming that act."

The words "without questioning the power of the President" to take the action which he did in the Brownsville affair not only mean to the Senate, but mean to the public at large, that the power is unquestioned. But if we pass a resolution "without questioning the power," intending that it shall not question the power of the President so to act, we admit by that phraseology that the subject is not a questionable subject so far as the resolution is concerned.

If one were to take the serious expressions of the press for the last three days relative to this resolution and the divers amendments which have been submitted in relation to it, he would be forced to the conclusion that neither the Senate nor the President of the United States had outgrown the age of kilts. These reports present an attitude of childishness both upon the part of the Senate and the Executive that ill comports, in my opinion, either with the dignity of the one or the acknowledged common sense of the other. While I think this whole question has assumed a proportion entirely beyond its legitimate importance, I certainly deny for one, and for the credit of both parties in the Senate, that the Executive or the Senate so underestimates the intelligence of each other or the public at large, to say nothing of their honesty, as to suppose that either could be caught in so shallow a pit as has been discovered by the press.

There are those here who believe that the President has acted wholly within his constitutional and his legal power, who, nevertheless, believe that there should be a further effort made to ascertain and punish the guilty and to free the innocent from any further suspicion, and that our power should not cease and our efforts should be continued until it has been fully determined, if it is possible to arrive at such a determination, who the guilty parties are and who we can say are entitled to the verdict of not guilty.

For that reason alone, wholly independent of the power of the President, it was my intention to vote for this resolution. I for one had believed from the very beginning—and notwithstanding the very strong argument of the Senator from Ohio [Mr. FORAKER] I have not been for one single moment divorced from that opinion—that the proper construction of the fourth article in the Articles of War clearly and definitely gives to the President the absolute power to dismiss without honor. I concede that right. I believe that he acted wholly within his power.

But there may be another class of Senators here who have some doubts upon that question, and those who have the doubts would have been justified in voting for the original resolution which has been introduced and heretofore has been supported by the Senator from the State of Ohio. On the other hand, those—and there is certainly a third class—who believe that not only had the President the absolute power to act as he did, but who desire to assert and to declare that he exercised that power legally and constitutionally and justly, can certainly find a mode of expressing it in voting for the amendment that was offered by the Senator from Kentucky [Mr. BLACKBURN], because this amended resolution does not change it, in my opinion, in the slightest degree. I can vote for this, not on the false assumption that it means something else than what its words are, but I can vote for it upon the assumption that it means that we do not question in any way, so far as this case is concerned, the legal power or the constitutional power of the President of the United States to dismiss without honor either in time of peace or in time of war.

Mr. TALIAFERRO. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. With great pleasure.

Mr. TALIAFERRO. Does the Senator consider that the Senator from Ohio puts the same construction on this resolution that he is now putting on it? The Senator from Ohio is a member of the Committee on Military Affairs, and he will have to do with this question in that committee.

Mr. McCUMBER. I will say that the Senator from Ohio does not put upon it the same construction that I do. The Senator from Ohio definitely stated that his construction of those words was that they meant the same as though the resolution read "without affirming or denying the power." That is not the fair construction, and it is not the general construction

which will be given to this resolution if it shall pass. The proper construction, and it will be taken so to mean, is that the Senate has placed its seal of approval upon the constitutionality of the action of the President. I can not give it any other meaning, and I shall vote for it upon the assumption that it does mean that, and I will take no ground that will not bear me out in voting for it upon the express statement that I have made and not upon the idea that a half a dozen Senators who surround me have met together and concluded that the better way out of this whole thing is practically to adopt the sentiment that was expressed in the amendment proposed by the Senator from Kentucky.

Mr. President, I had intended to-day, if this matter had not received this pleasant settlement, to make an address upon the question of the constitutional and legal power of the President. We all practically now concede that in the resolution itself. I concede it independent of the resolution, and the resolution as it has been settled upon confirms me in that belief.

Mr. TILLMAN obtained the floor.

Mr. SCOTT. Will the Senator from South Carolina yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. TILLMAN. With pleasure.

Mr. SCOTT. Mr. President, I merely wish to express the hope that the majority of those negroes will not be dead before the Military Affairs Committee has an opportunity to investigate whether they are innocent or guilty.

Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. TILLMAN. Certainly.

Mr. CARMACK. I did not happen to be in the Chamber when the Senator from Ohio [Mr. FORAKER] offered his modified resolution. I should like to have it read.

The VICE-PRESIDENT. The Senator from Tennessee requests that the resolution offered by the Senator from Ohio be read by the Secretary. The Secretary will read again the resolution.

The Secretary read as follows:

Resolved, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Mr. CARMACK. I wish to say just a word in relation to the amended resolution, if the Senator from South Carolina will permit me?

Mr. TILLMAN. With pleasure.

Mr. CARMACK. Mr. President, the modified resolution is practically identical with the one offered by the Senator from Kentucky [Mr. BLACKBURN], and if it really means what the Senator from Ohio [Mr. FORAKER] meant all the time, I would be glad to have some explanation as to why it has taken so long and so many anxious caucuses and so many midnight conferences to arrive at that conclusion.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. TILLMAN. With pleasure.

Mr. MONEY. I am indebted to the Senator from South Carolina for a few moments to submit a few remarks.

Mr. President, certainly I have all along during this debate misunderstood the Senator from Ohio [Mr. FORAKER]. I had understood all along that he had two objects in view, two points to make. One was that the President had no legal or constitutional authority to discharge without honor the battalion in controversy, and the other was that in exercising that authority he had not properly weighed the evidence and had exercised it without proper consideration. But whatever that impression may have been, it is dissipated by the language of the Senator this morning, who has told us what is his present mental status on that point.

Of course, it is very agreeable to everybody to see that the Republicans in their extremity have made common sacrifices upon the altar of harmony to get together, but it seems to me the speeches made by the Senator from Ohio [Mr. FORAKER], the Senator from North Dakota [Mr. McCUMBER], and the Senator from Massachusetts [Mr. LODGE] show that while they agree upon the form of the words, they are just as much divided in opinion as they were before.

The Senator from Ohio, notwithstanding the declaration as

to the proper construction of his resolution made by the Senator from North Dakota, has himself construed it—and nobody can construe a paper better than the man who wrote it, because he knows what was in his own mind, which can only be guessed at from contemporaneous circumstances by any other man.

Now, Mr. President, the conclusion is, as drawn now, that by taking out the words "or denying" in the amendment proposed by the Senator from Kentucky, leaving simply the words "without questioning," that language means to the mind of the Senator from Ohio, and I presume of course to those who agree with him, and have been with him in this controversy, that we have a right to question, but do not choose to exercise it. To the mind of the Senator from Massachusetts, the mind of the Senator from North Dakota, and those gentlemen on the other side who agree with them that language means that we have no right to inquire into the exercise of constitutional and legal authority on the part of the President in his action. It seems to me they are as far apart as they ever were in their real meaning, but of course if this last is big enough to cover the whole point and bring the party together, each one must simply direct his understanding to it and vote for the letter of the resolution without any regard to its spirit or meaning.

But to my mind it carries this idea: When we use the words "without questioning the authority of the President" the Committee on Military Affairs is authorized and directed to inquire into certain matters, and it means that they are not to debate at all or give any consideration to the question whether it be with or without authority, just or unjust, but they are simply to inquire into a certain state of facts which was the basis of the action of the President. The question arises, then, if we are not to consider the authority of the President in his exercise of authority in this matter, whether he had it or had it not, what is the utility of an investigation into the facts? You are not going to change his action on the investigation any more than you change the opinion of a judge delivered by affirming that he has given too much or too little weight to the evidence or has admitted incompetent evidence or improperly applied the law to the facts in the case. It does not at all alter the fact of what the judgment was. It does not relieve the judgment that some lawyer finds fault with the judge. So the question that arises is whether the Senate will undertake an investigation of the matter without any purpose in view, and if we have no purpose in view and nothing is to be accomplished, I shall vote against the resolution.

I am one of those who believe that the President has both the constitutional and legal authority to do this thing and that he alone had to determine it. Whether the weight of the evidence was proper or not, if we do not go into that matter, and do not intend to, it is evident from the different investigations made that he was satisfied about it. I care not whether his decision is right or wrong. It can not be attacked here as an authority, in my opinion. If we can not do that—and in the mind of many members here there is no intention to do it—I can not for my life understand why we are to get at the facts, if it is possible to get at them any more than they have already been arrived at by the grand jury and three or four military investigations. For that reason I think the whole resolution ought to be tabled.

I am much obliged to the Senator from South Carolina.

Mr. TILLMAN. Mr. President, it seems to be in order for all parties to this discussion to sweep around their doors. There has been much difference of opinion and difference of interpretation, one Senator saying this resolution means this and the other one saying it means that; but I suppose most people will finally arrive at the conclusion that it means what the English language means when it is written by men who know how to use it; that the general public will interpret it according to the words that are given, and this Senator's and that one's explanation of its purpose will not cut any figure.

In regard to my own attitude in this matter, I find myself for the first time since I have been a member of this body differing from all of my Democratic colleagues.

Mr. TELLER. Not all.

Mr. TILLMAN. Well, the Senator says "not all." I am glad to know there is another Democrat here who feels about it as I do. Possibly there may be still others, though we have got to a point now where there is no question on which to vote yea or nay. I expect everybody will vote yea on this resolution. Certainly I am in favor of an investigation.

In speaking about my own attitude, I knew as well as anybody else that the South would tumble over itself in this Chamber and out of it in approval of the President's action in the Brownsville case. My own constituents approve it. All the southern people approve it. Why? Because they do not believe there ought to be any negroes in the Army at all, and they are glad to get rid of them, however unjustly that riddance is

obtained. And recollecting the actions of the negro soldiers who were quartered in the South in 1866 and 1867, the outrages, the infamies, the cruelties that were perpetrated upon our people by them, there is no wonder that we hate the very idea of a negro soldier wearing the uniform of the United States and representing authority.

I therefore knew that my own people would be indorsing the President's attitude, but as far as I myself am concerned, while I have been charged with being a monomaniac in my personal antipathy and hatred of Theodore Roosevelt; that I am incapable of judging him fairly or treating him with justice, Senators will recall that last June when the railroad-rate bill was about to pass; when it was fresh in my mind and fresh in the mind of everyone that the Democrats who had been called to the President's aid had been betrayed, that he had thrown us down—what did I do? He had betrayed us in pursuit of this very party harmony which is so dear to Republicans, but even under those circumstances and with that provocation I declared on this floor that whatever credit was due and whatever benefit might come from that bill it would be due to Theodore Roosevelt, because without his help and his influence no bill on the subject could have been passed here at all. Yet in face of that acknowledgment I am charged with being so bitter, so narrow, so prejudiced that I can see nothing good in this man.

As far as this case is concerned, I plant myself on the bed-rock principle that we ought not to punish innocent men for the sins of the guilty, and that every man ought to be considered innocent until he is proved guilty; and I will rest my case there.

This question of negro soldiers will come up later, perhaps. Mr. President, from habit and training I have never found it agreeable or pleasant to write anything to be spoken, but have always been willing to rely on such thoughts as might come to me and to use such words as would plainly express my meaning. In the hurry of extemporaneous composition I have been unfortunate at times in saying some things which did not clearly express my own feelings or thoughts. I have not qualified words sufficiently to make myself clearly understood.

As I am dealing with a very serious and grave question—I am speaking now broadly—and desiring to say nothing that does not express clearly and exactly what I think and feel, I have taken the trouble to write out or to dictate and have typewritten most of what I propose to say to-day.

I had not expected to have anything more to say on this subject, and would have contented myself with the presentation I made in the speech I have already delivered, but the remarkable and unprecedented actions and utterances of the Senator from Wisconsin have made it necessary that I should trespass again upon the attention of the Senate. It seems that after ten years of service together we have both misunderstood one another. We have had many clashes in debate. Sometimes these were sharp, causing momentary anger, first on one side then on the other; but with me that feeling has always passed away at once, leaving no trace of bitterness or unfriendliness, and I had supposed it was the same with the Senator from Wisconsin until last week. I have been forced, reluctantly, to feel that I have, without knowing how or when, earned the malicious enmity of that Senator; and while I still bear him no malice, self-respect compels me to comment upon his latest utterances.

During my twelve years of service here I have borne malice toward no man, and I am sorry to find that without provocation, that I am aware of, I have excited it in a man whom until now I thought to be my friend.

It is but my nature to be blunt and outspoken, and I have never taught my tongue the art of double dealing; and if there is any vice in men I abhor more than any other it is hypocrisy, and I am too old to begin to practice it now.

A brief statement of facts which are fresh in the minds of all who heard the Senator's speech will explain my meaning. He began that speech with a sneering comment on my lynching record, or my ideas on lynching. In the course of his argument the Senator from Wisconsin was discussing the inability of the President to find out who the guilty soldiers were who had shot up Brownsville, and, having asserted with great positiveness that there were no grounds for criticism, I presumed, in an orderly and respectful way, to ask a question, and this was what was said on both sides:

Mr. TILLMAN. The Senator has not said anything about the crime or the omission to do their duty being an offense which was triable by court-martial. It is not a question of the affidavits which were offered. I think the Senator agrees with me that there have been a good many lies sworn to.

Mr. SPOONER. The Senator is not asking me any question. A reply to it would be difficult or, if made, would not elucidate in any way the question which I am discussing.

Mr. TILLMAN. The Senator was making an assertion, though, and I wanted to answer it.

Mr. SPOONER. What assertion did I make?

Mr. TILLMAN. You say these men, if I recall it, were not triable;

that they had done nothing that would give any excuse for a court-martial.

Mr. SPOONER. I did not say that.

Mr. TILLMAN. That was the meaning of your words, if I understood the language.

The Senator went on then to give his view of what he had intended to say, or had said, and coming on down to a point in which he praised Major Penrose—I quote from the RECORD—

Mr. TILLMAN rose.

Mr. SPOONER. No; not now. He stands by his men when he can. It is a part of the comradeship of the officer and men that he should. Moreover, no man could have a higher, intenser interest in the determination that his command was guiltless than Major Penrose, for he knew it would involve himself, as it has involved himself.

Mr. TILLMAN rose.

Mr. SPOONER. I am not discussing that part of it. That is not the point which I want to make.

Mr. TILLMAN. Will the Senator allow me a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. It depends on the nature of the question. What is it?

Mr. TILLMAN. I will make it like a bullet.

Mr. SPOONER. Well, you shoot your bullet very slowly. Go on.

Mr. TILLMAN. I like to look in the Senator's eyes.

Mr. SPOONER. Go on.

Mr. TILLMAN. Why did not the President, if he had so much regard for this officer's recommendation, follow it in regard to employing detectives and enlisting them in the company and trying to get at the facts?

Then, Mr. President, the Senator began what he said was not an attack on me, but a defense of the law.

While the Senator's manner was supercilious and his utterances none too courteous, I paid no attention to it; but when he continued to defend the President's action and to stress the point that the President had done all he could, and was proceeding to praise Major Penrose, I again, in a deferential and respectful way, tried to enter the debate by asking another question, which was entirely pertinent and bore directly on the point. I propounded this inquiry about the detectives. Instantly the Senator's manner changed to one of great aggressiveness and anger, and in a manner as insulting as it is possible for a man to assume he commenced an attack upon me personally that has never been paralleled in this body since I have been a member of it. When, for the purpose he had in view, I saw that he was laying the foundation for a justification for his harsh words by garbling and misquoting my own utterances, I interjected the remark, "Do not misquote me." His reply was, "No; I put it mildly; I do not intend to misquote you. Quote yourself, if you please."

Then this colloquy ensued:

Mr. TILLMAN. I said it is the fundamental principle of English and American liberty that every man shall be considered innocent until he is proved guilty.

Mr. SPOONER. Proved guilty where?

Mr. TILLMAN. In a court, of course. And that ten guilty had better escape than one innocent suffer. Does the Senator object to that?

Mr. SPOONER. Mr. President, the statement is accurate, generally speaking, but with what grace can the Senator, using that as a foundation, charge usurpation in this case and a violation of fundamental principles of liberty upon the President of the United States? Is not that principle applicable to a black man in the South as well as to the white man in the South or the white man in the North? The Senator, who says, "We shot them, we killed them, and we will do it again," on a former occasion—

Mr. TILLMAN. May I get in?

Mr. SPOONER. What do you want to get in for? I want to finish. What is it?

Mr. TILLMAN. How much provocation will you give a man before you give him a chance to strike back a little?

Mr. SPOONER. Well, strike back; go on.

Mr. TILLMAN. On this proposition which you are discussing you first branch off on one phase of it. You had better sit down a little, if you please.

Mr. SPOONER. No; I do not intend to yield for a speech. The Senator can answer me later. If he wants to ask me a question, he is welcome.

Mr. TILLMAN. Is that all?

Mr. SPOONER. That is all.

Now, Mr. President, I would do the Senator from South Carolina no injustice.

Mr. TILLMAN. The Senator from Wisconsin, however, turns himself directly to me, mentions me by name, speaks of things I have said and of my motives, and all that sort of thing, and then says I may answer him hereafter, but he will only let me in now for a question.

Mr. SPOONER. I wish to finish what I want to say. What is the question?

Mr. TILLMAN. I did not start to ask a question.

Mr. SPOONER. Start to ask it.

Mr. TILLMAN. I said I did not start to ask a question.

Mr. SPOONER. I decline to allow the Senator to make a speech. I am anxious to get through.

At this stage of the debate it dawned on me for the first time that the Senator from Wisconsin had intentionally and in cold blood brought things to this pass in order to give him the opportunity to carry out his preconceived plan, and I recalled that in a preceding part of his speech he had used language which caused me at the time to feel aggrieved, but I let it pass, because I had no desire to get into an altercation with the Senator or to indulge in any of those running discussions which have marked our debates in the past, when it was a case of cut and thrust with no blows below the belt.

The phrase to which I alluded in the Senator's speech is that in which he had declared that it would not be decent for him to comment upon the actions of the officers Penrose and Macklin, because they were now under trial by court-martial. The word "decent" there is entirely, I suppose, parliamentary; and as my name was not mentioned, it was of no serious moment. I let it go by, although I had commented at length and severely upon both Penrose and Macklin, had called their actions in question, and had said that they were incompetent and were derelict in the discharge of their duties, or words to that effect.

The Senator's idea that these men being under charges should not be commented on here is a rightful one if he chooses to occupy that attitude. I do not dispute his rights in that particular, and I was not supersensitive about his saying it would not be decent. I had only used the language, not as harsh language as Blocksom and Garlington and the Judge-Advocate-General used, in commenting on these same officers in the report sent to us, and I felt justified in criticising them.

Having shut me off in a discourteous and brutal fashion—I had almost said ungentlemanly—the Senator went on to read me a lecture, to quote from my utterances in debate in this body and from extracts of supposed speeches given in newspapers, all the while deprecating the unpleasant work he was engaged in, excusing himself upon the plea of duty—public duty—and claiming that he had been "led off" from the orderly course of his debate. He repeated that phrase, "led off," "led off," three or four times in his anxiety to appear as a great public censor performing the unpleasant task solely from a sense of duty. It was a most excellent piece of acting, and was worthy of Uriah Heep in his most humble exhibition of himself.

Since when did it become the duty of the Senator from Wisconsin to play schoolmaster here and presume to teach other Senators the proprieties and decencies of life? What justification did he have for his conduct on that day?

He has the right, of course, to express his opinion of my utterances and actions, and as he has not minced words or been very careful of feelings, he must not blame me if I shall imitate his bad example.

I call attention to the fact that in all I interrupted him but four times, and two of these were after he had begun playing his subtle game and in answer to direct allusions to me by name and to things which I had said or was supposed to have said.

Take his first attack, which was indirect and which I let pass without comment. He declared it would not be decent to comment on the actions of Major Penrose or Captain Macklin, because they were on trial and ought to be left alone until after the court-martial. He knew as well as anyone else that I had commented at some length upon the actions of both of these officers, and I have never felt and do not feel now that there was any indecency in doing so.

Everything I said was based upon the official documents which had come to us. There could be no doubt at all of their authenticity. I said nothing that had not been said in stronger language by the inspection officers and authorities of the War Department, and while his own proclamation of unwillingness to criticise them may have arisen from a refinement of feeling, I would have passed it by without taking it to myself if it had not been for the manner of delivery and the other actions accompanying it and from what subsequently followed, compelling me to believe that the Senator had set out to provoke me to interrupt for the express purpose of shutting me off in the manner he did, and thus giving him a chance to abuse without having his unfairness and injustice exposed.

When I asked the question "Why did not the President adopt Major Penrose's suggestion and employ a detective," he dodged it most adroitly by following the old rule of strengthening your case by abusing the attorney on the other side.

I call attention, by the way, to the fact that each of the three champions on the other side who have been most vociferous in applauding the President's course and defending his conduct dodged this same question. My bluff friend from Georgia [Mr. CLAY], earnest and honest as he is, dodged it. The impetuous and brilliant champion from Tennessee [Mr. CARMACK] dodged it. The subtle Senator from Wisconsin [Mr. SPOONER] dodged it. Why were they unwilling to treat this question seriously? Simply because none of them have any answer to it. Here was a battalion of 167 men, no more than 20 of whom were under accusation of having committed the outrage at Brownsville, and yet in direct opposition to the advice of the officer most concerned the War Department and the President refused to adopt the only practical suggestion that was made, and in every way the President seems to have labored with no other end in view than to gain applause from unthinking men in the South. If there has been a single honest and sensible effort made to detect the murderers in this case I fail to find a record of it.

Reliance upon the inquiry set on foot among the soldiers by Major Blocksom and General Garlington as the sole means of detection are to my mind nothing less than idiotic.

In this connection, Mr. President, I noticed in yesterday morning's Post the report of a speech made at Boston by Mr. Long, former Secretary of the Navy, a bosom friend of President Roosevelt. I will read one sentence, but I wish to have the whole extract printed in full in the RECORD. Ex-Secretary Long said:

Everybody knows that had time been taken, had efficient means of detection been set at work, had advantage been taken of the leaks which were sure to open in a matter of which so many are claimed to have had knowledge, the truth could have been got at and the offenders found out.

That is the gist of the Secretary's position, and it is the verdict, in my judgment, which will be finally arrived at by nine-tenths of the American people. I ask that the entire extract be inserted in the RECORD without reading.

The VICE-PRESIDENT. Without objection, permission is granted.

The extract referred to is as follows:

EXCUSE FOR PRESIDENT—JOHN D. LONG SAYS TROOPS' DISMISSAL WAS IMPULSE—APPROVES AN INVESTIGATION—FORMER SECRETARY OF NAVY INTIMATES ROOSEVELT'S ACTION IN BROWNSVILLE AFFAIR WAS HONEST, BUT HASTY—SUGGESTION OF IMPEACHMENT ABSURD—DECLARES MILITARY NOT RACE ISSUE IS INVOLVED.

BOSTON, January 19.

The Brownsville incident was discussed by former Secretary of the Navy John D. Long, at a dinner of the Massachusetts Club, an organization of prominent Republicans, here to-day. The speaker offered as a possible reason for the President's action in this affair what he termed "Mr. Roosevelt's impulsive nature," and said that it was right, as matters stand at present, for Congress to have a thorough investigation of the facts. He referred to the suggestion of impeachment as "absurd and trifling."

"In this Brownsville matter, while there is a very decided difference of opinion as to the propriety of the President's action," said Mr. Long, "I can not think that anybody doubts his honest purpose. In one sense the black man is not involved as such, because the principle at stake pertains not to him specially, but to all who are in the military service. It is often asked what actuated the President to such an unlimited sweep which, without a hearing of the parties accused, inflicted severe punishment, not only on those suspected of guilt, though not proved guilty on trial, but also, if there were guilty ones, on innocent and guilty alike."

ROOSEVELT'S IMPULSES.

"It has occurred to me that the reason is perhaps to be found in the impulsive nature of the President, whose impulses, always toward the right, are not always directed with sufficient consideration. No President has been more emphatic of his assertion of the rights and political equality of the negro, for whose sake he has braved criticism and contumely."

"What more natural than that, when occasion came, he should seize it to show that he is as quick to discipline the negro citizen as to defend him, and that he does not propose to make fish of one race and fowl of the other. It was an honest, if a hasty, impulse."

"Everybody knows that had time been taken, had efficient means of detection been set at work, had advantage been taken of the leaks which were sure to open in a matter of which so many are claimed to have had knowledge, the truth could have been got at and the offenders found out."

INVESTIGATION FITTING.

"Of course, it is right and fitting that, in the present posture of the matter, Congress should, as now proposed, have a thorough investigation of the facts, with a full hearing of all whose rights and fortunes are involved, and if innocent men have suffered do them justice. And surely nobody will then be readier to do it than the President, who by his manly withdrawal of that part of his order, which in his haste was improperly included in it, has again shown his readiness to correct an error."

Mr. TILLMAN. The grand jury could get no clew because they were only working among the citizens of the town, with the general result that the evidence was overwhelming that soldiers did it, but as to which soldier they had no evidence to learn. Can anybody be made to believe that the thirteen men who were by general suspicion pointed out, had they been placed in solitary confinement and allowed to see no one and an offer of amnesty for turning State's evidence been made, that something would not have come of it? Is it possible to believe that if a large number of the other men were accessories before or after the fact that black detectives enlisted and placed among them would not have discovered some clew? Is there anyone acquainted with criminal procedure bold enough to declare that a clew once obtained would not have soon led to the detection of all the guilty parties? The whole procedure has the appearance of a well-laid plan to shield and protect the real criminals, and in the most effective manner possible, and to hurry the expulsion of innocent and guilty men alike from the Army, so as to put it out of the power of anybody at any time to ever prove who the guilty men were and mete out adequate punishment to them.

No Senator, not even the Senator from Wisconsin, liked to answer the question about enlisting the detectives. Instead of doing so, he proceeded to abuse me to distract attention from this glaring failure of the authorities to do what every sensible man knows ought to have been done.

I return now to another point in the Senator's indictment. It is that part of his speech where he asks whether the law should not apply to the black man in the South as well as to the white man in the North.

With great emphasis and eloquence he made the inquiry, "Is not that principle applicable to a black man," etc. And what I wish to ask, in view of the attitude which has been shown by the War Department toward the negro soldiers at Brownsville and the white soldiers at Athens, Ohio, is not this principle as applicable in the one case as in the other?

It was adroit for the Senator to shift the minds of his auditors and the readers of the Record from the President's outrageous discrimination against the black soldiers and favoring the white ones to my own utterances and attitude toward the negro rapists, and the shrewdness and dishonesty of the argument and the indecency of the attack was emphasized when the Senator from Wisconsin proceeded to quote from a former speech of mine in this body, in which I said:

We shot them; we killed them; and we will do it again.

When I asked for permission to point this out and show how unfair and unmanly was the attack he shut me off incontinently, refusing absolutely to give me an opportunity to explain or defend myself.

Now, what about those words of mine: "We shot them," etc. In what connection did I utter them? If I mistake not the Senator from Wisconsin was in this Chamber when I used that language. There were present a large number of leading Republicans. I challenged each and every man here to show wherein the people of South Carolina were not justified, and no one dared reply. I will repeat the statement of fact and circumstances. It was in 1876, thirty years ago, and the people of South Carolina had been living under negro rule for eight years. There was a condition bordering upon anarchy. Misrule, robbery, and murder were holding high carnival. The people's substance was being stolen, and there was no incentive to labor. Our legislature was composed of a majority of negroes, most of whom could neither read nor write. They were the easy dupes and tools of as dirty a band of vampires and robbers as ever preyed upon a prostrate people. There was riotous living in the statehouse and sessions of the legislature lasting from year to year.

Our lawmakers never adjourned. They were getting a per diem. They felt that they could increase their income by remaining in session all the while. They were taxing us to death and confiscating our property. We felt the very foundations of our civilization crumbling beneath our feet, that we were sure to be engulfed by the black flood of barbarians who were surrounding us and had been put over us by the Army under the reconstruction acts. The sun of hope had disappeared behind a cloud of gloom and despair, and a condition had arisen such as has never been the lot of white men at any time in the history of the world to endure. Life ceased to be worth having on the terms under which we were living, and in desperation we determined to take the government away from the negroes.

We reorganized the Democratic party with one plank, and only one plank, namely, that "this is a white man's country and white men must govern it." Under that banner we went to battle. We had 8,000 negro militia organized by carpetbaggers. The carpetbag governor had come to Washington and had persuaded General Grant to transcend his authority by issuing to the State its quota of arms under the militia appropriation for twenty years in advance, in order to get enough to equip these negro soldiers. They used to drum up and down the roads with their fifes and their gleaming bayonets, equipped with new Springfield rifles and dressed in the regulation uniform. It was lawful, I suppose, but these negro soldiers or this negro militia—for they were never soldiers—growing more and more bold, let drop talk among themselves where the white children might hear their purpose, and it came to our ears. This is what they said:

The President is our friend. The North is with us. We intend to kill all the white men, take the land, marry the white women, and then these white children will wait on us.

Those fellows forgot that there were in South Carolina some forty-odd thousand ex-Confederate soldiers, men who had worn the gray on a hundred battlefields; men who had charged breastworks defended by men in blue; men who had held lines of battle charged by men in blue; men who had seen real battles, where heroes fought. They forgot that putting in uniform a negro man with not sense enough to get out of a shower of rain did not make him a soldier. So when this condition of desperation had reached the unbearable point; when, as I say, despair had come upon us, we set to work to take the government away from them.

We knew—who knew better?—that the North then was a unit in its opposition to southern ideas, and that it was their purpose to perpetuate negro governments in those States where it could be done by reason of there being a negro majority. Having made up our minds, we set about it as practical men.

I do not say it in a boastful spirit, although I am proud to say it, that the people of South Carolina are the purest-blooded Americans in America. They are the descendants of the men who fought with Marion, with Sumter, with Pickens, and our other heroes in the Revolution. We have had no admixture of outsiders, except a small trickling in from the North and from other Southern States.

Clashes came. The negro militia grew unbearable and more and more insolent. I am not speaking of what I have read; I am speaking of what I know, of what I saw. There were two militia companies in my township and a regiment in my county. We had clashes with these negro militiamen. The Hamburg riot was one clash, in which seven negroes and one white man were killed. A month later we had the Ellenton riot, in which no one ever knew how many negroes were killed, but there were forty or fifty or a hundred. It was a fight between barbarism and civilization, between the African and the Caucasian, for mastery.

It was then that "we shot them;" it was then that "we killed them;" it was then that "we stuffed ballot boxes." After the troops came and told us, "You must stop this rioting," we had decided to take the government away from men so debased as were the negroes—I will not say baboons; I never have called them baboons; I believe they are men, but some of them are so near akin to the monkey that scientists are yet looking for the missing link. We saw the evil of giving the ballot to creatures of this kind, and saying that one vote shall count regardless of the man behind the vote and whether that vote would kill mine. So we thought we would let you see that it took something else besides having the shape of a man to make a man.

Grant sent troops to maintain the carpetbag government in power and to protect the negroes in the right to vote. He merely obeyed the law. I have no fault to find with him. It was his policy, as he announced, to enforce the law, because if it were had then it would be repealed. Then it was that we stuffed ballot boxes, because desperate diseases require desperate remedies, and having resolved to take the State away, we hesitated at nothing.

It is undoubted that the Republicans will assume all responsibility for the condition in the South at that time. They have never shirked it. The Senator from Wisconsin acknowledged his participation in it the other day. He has no apology to make for it. I do not ask anybody to apologize for it; I am only justifying our own action. I want to say now that we have not shot any negroes in South Carolina on account of politics since 1876. We have not found it necessary. [Laughter.] Eighteen hundred and seventy-six happened to be the hundredth anniversary of the Declaration of Independence, and the action of the white men of South Carolina in taking the State away from the negroes we regard as a second declaration of independence by the Caucasian from African barbarism.

The other day the Senator from Wisconsin defined liberty. "Liberty is that," I believe he said, "which is permitted by law to be done." The Senator has the right to give whatever idea of liberty he may have, and I have no objection to that. In a general way it is a very good definition. But I here declare that if the white men of South Carolina had been content to obey the laws which had been forced down our throats at the point of the bayonet and submit to the reconstruction acts which had thrust the ballot into the hands of ignorant and debased negroes, slaves five years before, and only two or three generations removed from the barbarians of Africa, the State of South Carolina to-day would be a howling wilderness, a second Santo Domingo. It took the State fifteen years to recover and begin to move forward again along the paths of development and progress; and in consequence of the white men interpreting the word "liberty" to mean the liberty of white people and not the license of black ones, the State is to-day in the very vanguard of southern progress, and can point to the result as the absolute justification for every act which we performed in '76, however lawless our acts may be in the eyes of the Senator from Wisconsin.

South Carolina and Louisiana were the two last States to throw off the blood-sucking vampires which had been set over them by the reconstruction acts.

I would not have tried to do more than to give a statement of facts the other day, but I was not permitted to do so. I was ordered to take my own time, and I am now taking it in answer.

Now, Mr. President, a word about lynching and my attitude toward it. A great deal has been said in the newspapers, North and South, about my responsibility in connection with this

matter. My position has been purposely misrepresented, and the Senator from Wisconsin has assumed to himself the right to arraign me in this body and to pass judgment of condemnation in most biting and vindictive phrase. It is not worth while to ask who made JOHN C. SPOONER my keeper or gave him the right to assume this hectoring and masterful attitude. With a self-righteousness that is characteristic of his breed, he dons the robe of the Pharisee, spreads broad his phylacteries, and calls up the Senator from South Carolina for sentence and pronounces his decree. These are his words:

MR. SPOONER. Now, Mr. President, I believe in law. I believe that wherever a man perpetrates a crime, or a crime is committed and the perpetrator or suspected perpetrator can be identified, the law should seize him. I believe he is entitled to a trial before sentence. I believe he is entitled to a day in court.

I am opposed, Mr. President, to any man making himself judge, juror, and executioner. I look upon it as shocking beyond expression in civilized communities, Mr. President, for the populace to seize a human being, charge him with crime, drag him to a tree protesting his innocence, and hang him or burn him at the stake. "In the corrupted currents of this world" it sometimes happens. All just men deplore it. No man ought to encourage it. It is a crime against civilization to encourage it.

I have looked with peculiar honor and pride upon the brave, continued efforts of southern governors to conserve the law, to maintain peace, to make that a real shield which the law in every civilized community is intended to throw around a man accused of crime. I have admired Governor Vardaman for it; I have admired the governors of other States in the South for it; I admire the governor anywhere who has done his uttermost to prevent lynching and to punish lynching.

And, Mr. President, I have been shocked more than once. I was shocked the other day here by the statement of the Senator from South Carolina justifying it and supporting its continuance. If there is one man under the sky who ought not to do it it is a maker of the laws which govern the people.

Mr. President, this is not an attack nor is it intended to be upon the Senator from South Carolina. It is a plea for good government, orderly government, real liberty—not the liberty of one man, but the liberty of all. What is liberty? It is not license. Liberty was once well defined to be "freedom to do that which the law permits." That is what liberty is. I say again that any man here or elsewhere who encourages lynching, murder, lawlessness, will have much to answer for, and the higher his position and the weightier his influence the more he will have to answer for.

Have I ever advocated lynch law at any time or at any place? I answer on my honor, "Never!" I have justified it for one crime, and one only, and I have consistently and persistently maintained that attitude for the last fourteen years. As governor of South Carolina I proclaimed that, although I had taken the oath of office to support the law and enforce it, I would lead a mob to lynch any man, black or white, who had ravished a woman, black or white. This is my attitude calmly and deliberately taken, and justified by my conscience in the sight of God.

Mr. President, the Senator from Wisconsin speaks of "lynching bees." As far as lynching for rape is concerned, the word is a misnomer. When stern and sad-faced white men put to death a creature in human form who has deflowered a white woman, there is nothing of the "bee" about it. There is more of the feeling of participating as mourner at a funeral. They have avenged the greatest wrong, the blackest crime in all the category of crimes, and they have done it, not so much as an act of retribution in behalf of the victim as a duty and as a warning as to what any man may expect who shall repeat the offense. They are looking to the protection of their own loved ones.

The Senator from Wisconsin prates about the law. He erects the law into a deity which must be worshiped regardless of justice. He has studied law books until his mind has become saturated with the bigotry which ignores the fundamental principle in this Government: "Law is nothing more than the will of the people." There are written laws and unwritten laws, and the unwritten laws are always the very embodiment of savage justice. The Senator from Wisconsin is incapable of understanding conditions in the South or else he has lost those natural impulses which for centuries have been the characteristics of the race to which we belong.

Tacitus tells us that the "Germanic people were ever jealous of the virtue of their women." Germans, Saxons, Englishmen, they are practically one, springing from the same great root. That trinity of words, the noblest and holiest in our language, womanhood, wifehood, motherhood, have Saxon origin. I believe with Wordsworth—it is my religion—

A mother is a mother still, the noblest thing alive.

And a man who speaks with lightness or flippancy or discusses cold-bloodedly a matter so vital as the purity and chastity of womanhood is a disgrace to his own mother and unworthy the love of a good wife.

Look at our environment in the South, surrounded, and in a very large number of counties and in two States outnumbered, by the negroes—engulfed, as it were, in a black flood of semi-barbarians. Our farmers, living in segregated farmhouses, more or less thinly scattered through the country, have negroes

on every hand. For forty years these have been taught the damnable heresy of equality with the white man, made the puppet of scheming politicians, the instrument for the furtherance of political ambitions. Some of them have just enough education to be able to read, but not always to understand what they read. Their minds are those of children, while they have the passions and strength of men. Taught that they are oppressed, and with breasts pulsating with hatred of the whites, the younger generation of negro men are roaming over the land, passing back and forth without hindrance, and with no possibility of adequate police protection to the communities in which they are residing.

Now let me suppose a case. Let us take any Senator on this floor—I will not particularize—take him from some great and well-ordered State in the North, where there are possibly twenty thousand negroes, as there are in Wisconsin, with over two million whites. Let us carry this Senator to the backwoods in South Carolina, put him on a farm miles from a town or railroad, and environed with negroes. We will suppose he has a fair young daughter just budding into womanhood; and recollect this, the white women of the South are in a state of siege; the greatest care is exercised that they shall at all times where it is possible not be left alone or unprotected, but that can not always and in every instance be the case. That Senator's daughter undertakes to visit a neighbor or is left home alone for a brief while. Some lurking demon who has watched for the opportunity seizes her; she is choked or beaten into insensibility and ravished, her body prostituted, her purity destroyed, her chastity taken from her, and a memory branded on her brain as with a red-hot iron to haunt her night and day as long as she lives. Moore has drawn us the picture in most graphic language:

One fatal remembrance, one sorrow that throws
Its bleak shade alike o'er our joys and our woes,
To which life nothing darker or brighter can bring,
For which joy hath no balm and affliction no sting.

In other words, a death in life. This young girl thus blighted and brutalized drags herself to her father and tells him what has happened. Is there a man here with red blood in his veins who doubts what impulses the father would feel? Is it any wonder that the whole countryside rises as one man and with set, stern faces seek the brute who has wrought this infamy? Brute, did I say? Why, Mr. President, this crime is a slander on the brutes. No beast of the field forces his female. He waits invitation. It has been left for something in the shape of a man to do this terrible thing. And shall such a creature, because he has the semblance of a man, appeal to the law? Shall men coldbloodedly stand up and demand for him the right to have a fair trial and be punished in the regular course of justice? So far as I am concerned he has put himself outside the pale of the law, human and divine. He has sinned against the Holy Ghost. He has invaded the holy of holies. He has struck civilization a blow, the most deadly and cruel that the imagination can conceive. It is idle to reason about it; it is idle to preach about it. Our brains reel under the staggering blow and hot blood surges to the heart. Civilization peels off us, any and all of us who are men, and we revert to the original savage type whose impulses under any and all such circumstances has always been to "kill! kill! kill!"

I do not know what the Senator from Wisconsin would do under these circumstances; neither do I care. I have three daughters, but, so help me God, I had rather find either one of them killed by a tiger or a bear and gather up her bones and bury them, conscious that she had died in the purity of her maidenhood, than have her crawl to me and tell me the horrid story that she had been robbed of the jewel of her womanhood by a black fiend. The wild beast would only obey the instinct of nature, and we would hunt him down and kill him just as soon as possible. What shall we do with a man who has outbruted the brute and committed an act which is more cruel than death? Try him? Drag the victim into court, for she alone can furnish legal evidence, and make her testify to the fearful ordeal through which she has passed, undergoing a second crucifixion?

Here is the picture drawn by a southern poet:

A little woman, slight and deathly pale,
Within her eyes
The dim shame lingers of a sin unsinned.
She speaks.
Her voice is broken as her pride.
It hath
No music and no color and no warmth.
From eyes like hers and tones like hers a man
May learn how merciful is death.
She tells
The story of her guiltless infamy—
Tells it beneath a fire of interruptions,
Cross-questions, and objections, and the like,
Sanctioned by Law's procedure.
And insults from a shyster privileged

Thro' his employment to insult her so—
Tells it
From start to finish, and is not spared a word,
Until, at last,
A pitifully living corpse, she falls
Back into fearful silence.

And, facing her,
The while, the Beast leans forward, huge and black,
Its simian arms crossed on the breast of it—
Whispering, at times, in the attorney's ears
Suggestions as to questions to be asked—
And tho' the fear of death and hell agape
Be in its belly, still unable quite
To hide a grin of reminiscent lust
Behind a sweating palm.

That is the picture—
Do I hear you say
Again: "The Law should take its course?"

—H. R. R. Hertzberg, *New Orleans Harlequin*.

That is what the Senator from Wisconsin says he would do, and he is welcome to all of the honor he can get out of it. Our rule is to make the woman witness, prosecutor, judge, and jury. I have known Judge Lynch's court to sit for a week while suspect after suspect has been run down and arrested, and in every instance they were brought into the presence of the victim, and when she said, "That is not the man," he was set free; but when she said, "That is the man," civilization asserted itself, and death, speedy and fearful, let me say—certainly speedy—was meted out. I have never advocated, I have deprecated and denounced, burning for this or any other crime. I believe it brutalizes any man who participates in a cruel punishment like that. I am satisfied to get out of the world such creatures.

As far as the people of the South are concerned, it is said I do not represent them here. Somehow or other I seem to represent one State, and I do not hesitate to assert that it is my religious belief that on this subject of rape I voice the feeling and the purpose of 95 per cent of the true white men of the Southern States. Whether I do or not, I voice my own. I am not ashamed of them. I have no apologies to make for them.

The Senators from Wisconsin and Colorado may rave, the newspapers may howl, but men who were reared by virtuous mothers and who revere womanly purity as the most priceless jewel of their civilization will do as we of the South have done. On this question I take back nothing and apologize for nothing. I spurn and scorn the charlatanry and cant, the hypocrisy and cowardice, the insolence and effrontery of any and all men who call my motives in question.

Now, Mr. President, I will give a very brief outline of my conception of conditions in the South to-day. I believe I understand the conditions there as well as any other man. I may be mistaken.

Never in the history of the world has a high-spirited and chivalrous people been called on to face a more difficult and dangerous situation. That a crisis is approaching every thoughtful man must confess. That there is a promise of a safe or happy solution is doubted by all. The Senator from Wisconsin dismisses the question with a wave of the hand and with an admonition to me and others who think like me to keep quiet and be good, urging that he had originally advocated the force bill, but confessed that he was wrong, and that it is better it did not pass. He contends the southern people, black and white, must live together and that the rest of the nation have for the time being left the matter alone; that there has been no discussion among the Republicans in this Chamber such as marked his earlier service in the Senate upon the subject. He says he knows of no better way to precipitate a race conflict than to be always talking about one. And he holds me up as the greatest sinner in that regard. You can not pick up a paper any day but that you will find an appeal from some negro in the North, some convention, some resolution of some kind somewhere denouncing the wrongs done the negroes in the South and demanding justice for them. Those papers circulate in the South. They go everywhere. Our schools, supported by the taxes paid by the white people, are educating these negroes to read such appeals.

If talking about a race conflict is going to precipitate one, I wish to ask, has the Senator forgotten the proclamation of William H. Seward that there was "an irrepressible conflict" between the North and the South on the matter of slavery and that his prophecy came true? Does he forget that Lincoln declared that the Republic could not exist half slave and half free? Are we to hide our heads in the sand, like an ostrich, and ignore the dangerous signs of the times and wait until the tempest bursts upon us in all of its fury? The Senator from Wisconsin, living in a northern Commonwealth where there are no negroes, who knows nothing about the situation, can not understand it and

will not take the trouble to go and study it. What right has he to criticize me, who sees down the road these dangers and would try to prevent them?

The Senator warns us that the fourteenth amendment contemplates the reduction of representation in the electoral college and in the House of Representatives on account of the South's attitude. Is it a question of political power or is it a question of the preservation of our civilization?

The Senate last week unanimously declared that the war of 1861-1865 was not a rebellion. It struck out the words "war of the rebellion" and substituted "civil war." If this means anything, it means that the lawmakers of this country have at last come to realize that it was a civil war and that it was a contest over constitutional interpretation, and that the southern people fought for what they believed to be their constitutional rights.

A couple of days ago, at Lexington, a distinguished citizen of Massachusetts, a man of affairs, a representative of northern civilization, a soldier in the Union Army, proclaimed that he had fought Lee during most of his service in the war, and would have been glad to kill him then; but he recognized the greatness of that grand man's character, and said that if he had been in the South he would have fought with Lee. That is all we want anybody to acknowledge—the purity and honesty of the South's attitude.

I say here, from my observation and experience, and I claim to know something about it, that there is among the northern people little or no sectional hatred left. I have been among them. I have tested them. I have touched their nerves, if they have any, on the raw. I have seen nowhere any indication of hatred for the South as the South. And the people of the North are no longer blinded by passion. Newspapers of a partisan character are contending for political reasons for the maintenance of the settlement and the continuance of the adjustment of the issue after the war. I do not care to go into the political phases of this question, to point out the number of negro votes in the North, which compel, in a way, the continuance of that attitude. We were told, until this happy adjustment in regard to this resolution about Brownsville, that the leader of the Republican cohorts had threatened and had prepared a resolution to investigate conditions in the South in regard to elections.

Mr. President, the South has no fear of an investigation of that kind. It might have been dangerous fifteen or twenty years ago, but it can no longer do us any harm. We court it; at least I do. We have no objection in the world to an investigation from top to bottom and from end to end of elections North, South, East, and West. Of course the composition of the committee might be partisan. They might not undertake to arrive at the facts and get a real insight into conditions, to set about a statesmanlike work of relieving an intolerable situation. But I do not hesitate to say here and now that if this issue is presented to the American people, unless I am mistaken about that people, if they are made clearly to understand what is involved in the conditions in the South now, and what will come inevitably in the near future, they can no longer and never will be rallied again under the cry of a "free vote and a fair count" for the negroes of the South.

The Republican party itself has forsaken its old war cry of "the fatherhood of God and the brotherhood of man." It has denied the Filipinos any participation in the Government, proclaiming that they are not fit. The southern people know they are unfit. We do not dispute it; but in the name of common sense and honest dealing, if the Filipinos are unfit, why are the negroes fit? Everybody knows that the Caucasian stands first, the Mongolian second, the Malay third, the Indian fourth, and the negro fifth in the scale of civilization as fixed by ethnologists. We have had to deal with the other four races besides our own. We have excluded the Chinese. Why? In order to satisfy the selfish desire of white men who are interested. We have butchered the Indian and taken his land. We have settled him. We have denied that the Malay is fit. Yet here we stand proclaiming that the African is fit.

The disfranchisement of the negro in the South for the time being has been acquiesced in by the people of the North without protest, but the fourteenth and the fifteenth amendments are the law of the land. Of course there is great doubt as to whether they were ever adopted in a constitutional way. I should like to hear the Senators from Wisconsin and Ohio, after studying the question a little, argue the point as a purely legal one, without reference to political conditions.

As a discussion of the race question in general goes on throughout the country and the future status of the negro in the United States and how to ameliorate conditions which are well-nigh intolerable now will more and more attract attention

to the fundamental question as to whether or not the races are equal, must come to the front. It will be settled finally on that basis, yes or no. If the majority of the white people make up their minds that the negroes are not their equals, they will sooner or later put it in the law that they shall not have a part of the inheritance of the white race.

There was an irrepressible conflict in 1860 between slavery and freedom; between the idea of a confederation of States and a perpetual Union. Is there any man bold enough to deny that there is an irrepressible conflict now between civilization and barbarism and that the living together upon an absolute plane of equality of the two races in the South—one the highest, the other the lowest in the scale—is an impossibility without strife and bloodshed?

Let the newspapers of the country answer. Take up on any day you please a paper published anywhere and read of these conflicts and murders and ravishings, and all that sort of thing. Is it too much for me to say that the American people want this question investigated and discussed calmly and without passion or partisan bias, and have their lawmakers here set about trying to do something? That is all I am trying to accomplish. I do not expect to live to see any change in the Constitution of the United States one way or another. I doubt if there is a man in this Chamber who will ever see it changed by amendment.

But I do not plead for the white people of the South alone. In the ultimate conclusion of this issue we will take care of ourselves, and if we can not do it without help we will get in the North all the recruits who believe in white supremacy and white civilization that we want or need. Thank God, "blood is thicker than water." But we do not want to have to go through the fearful ordeal and crime of butchering the negro.

I realize that there are millions of good negroes, if they are let alone and not taught heresies and criminal thoughts and feelings and actions. I should like to see this good, easy, good-for-nothing people given a chance to live. Give them justice; give them equal rights before the law; enable them to get property and keep it, and be protected in its enjoyment; give them life, liberty, and the pursuit of happiness, provided their happiness does not destroy mine.

The Senator from Wisconsin read the other day, with great pathos and effect, the eloquent speech of Henry Grady. There is not a line or a sentence in that noble deliverance to which I do not subscribe. The negroes whom Grady described were the negroes of the old slave days—the negroes with whom he played in childhood, the negroes with whom I played in childhood, the negroes who knew they were inferior and who never presumed to assert equality. For these negroes there is throughout the South a universal feeling of respect and love. I have not got it here, but I have at my home in the city a photograph of one of these. I might term him "Old Black Joe," for he is a full-blooded negro, about 60 years old. He has been living with me thirty-five years. He now has the keys to my home in South Carolina. He has full charge and control over my stock, my plantation. He is in every way a shining example of what the negro can be and how he can get along with the white man peacefully and pleasantly and honorably, enjoying all of his liberties and rights. But he has never meddled with voting. He occupies the same attitude as the white man and the negro do in this District. They do not meddle with voting. I do not hesitate to say, however, that a more loyal friend no man ever had. Every child that I have would share his last crust with that negro to-morrow.

Grady spoke of the loyalty of the slaves during the war, and the Senator from Wisconsin amplified the picture in eloquent phrase. I myself, as a schoolboy of 13, saw the Confederate soldiers as they took their departure for the front to battle for home and liberty. I saw the parting between the husband and his family, kissing one after another of his children, saving the last kiss for the wife and mother, and then turning to the group of faithful slaves and shaking them by the hand, give the parting injunction, "Take care of your mistress and the children." How did the slaves redeem the promise? They all said "Yes, master." How they lived up to the promise history tells. There were in the South at that time 4,000,000 negroes, 800,000 males of adult age. The women and children of the white men who were in the Confederate army were left there, entirely helpless for support and protection, with these negroes. With 800,000 negro men, there is not of record a solitary instance of one white woman having been wronged until near the close of the war, when some of the negro soldiers who had been poisoned by contact with northern ideas come along and perpetrated some outrages.

The negro slave was true to the faith. When Sherman's army marched through South Carolina, leaving behind it a

40-mile breadth of burned houses, the chimneys marking where the habitations of the Confederate soldiers had been, every house that had a plank on it gone, the women and children turned out in the rain and sleet of February to find shelter in the negro cabins, everything to eat burned or having been seized and carried off by the army, I knew some of these slaves to go behind in the track of the army and rake up the corn off the ground where the horses had been fed, wash it and dry it and carry it to the starving wives and children of the white men of the South.

Talk to me about hating these people! I do not do it. We took them as barbarians, fresh from Africa, the first generation we will say, or some of them twice removed, some of them once removed, some of them thrice removed, some of them a fourth removed from barbarism, but the bulk of them only twice. We taught them that there was a God. We gave them what little knowledge of civilization they had to-day. We taught them to tell the truth. We taught them not to steal. We gave them those characteristics which differentiate the barbarian and savage from the civilized man.

Slavery died, and it ought to have died. The South was not responsible for it. It had been recognized in the Constitution. It had been guaranteed. The slaves had not been brought from Africa in southern ships. The barbarian was civilized by us. You struck the shackles off of him. What have you made of him? With all the Confederate soldiers gone to war, no woman was harmed. With all the white men in the South at home, every week some woman is offered up as a sacrifice to this African Minotaur. Senators will all recall the myth of the Minotaur, the monster which came from the sea and ravaged the lands of the Athenians. In order that the Athenians might get relief he made an agreement that if they would pay a tribute of ten young men and young maidens every year he would relieve them from this depredation. The Minotaur was killed by Theseus, but, before this happened, once a year ten maidens were sent to him to be devoured. The South to-day is offering up anywhere from 40 to 100 maidens and matrons to this modern beast that has been bred by fanaticism and political greed.

If the two races are to live together in the South, as no doubt they must, there is no earthly doubt that unless something is done to relieve the situation in the near future there will be direful tragedies. It is doubtful whether anything that we can do can undo the wrong that has been perpetrated already, whether the poison can be extracted without producing its results. We in our country exemplify as near as has ever been exemplified in history a condition depicted in the Bible. There is a phrase there very little understood. I never myself understood it until I made an investigation into Jewish antiquities:

Oh, who will deliver me from the body of this death?

What does it mean? It was the law of the Jews that for certain forms of homicide, certain black and bloody murders, the murderer should be stripped naked and his victim stripped naked and the dead man's body chained to the body of the living man, back to back, limb to limb, and the two left alone. The flies and the vermin which are produced and attracted by putrefaction brought about the inevitable result. The decaying carcass fastened to the living in the end produced death in the most horrible form.

In 1865 the South, prostrate and bleeding and helpless, a very Niobe of nations, had the dead carcass of slavery chained to it by the fourteenth and fifteenth amendments. For eight years two States labored under it. One after another the others had thrown off for a little while the incubus—not getting loose, but simply getting relief, being able to stand up, to move, to breathe, and to make some progress. But there the carcass hangs, riveted to our civilization. The putrefaction is going on. A return to barbarism is evident in every day of our contact with these people in the South. Relieved from police control, they are no longer compelled, as the Indians have been by the troops, to stay on their reservations. These negroes move where they please. They have a little smattering of education. Some of them have white blood in their veins and taught that they are as good as the white man, they ask, Why not as good as a white woman? And when caste feeling and race pride and every instinct that influences and controls the white women makes them spurn the thought, rape follows. Murder and rape become a monomania. The negro becomes a fiend in human form.

We can not police those people to-day under the fourteenth amendment without taking from the whites their own liberties. In my desperation to seek some remedy to prevent rape and not have the necessity of avenging rape, I have gone so far as to plead with the people of the South to inaugurate a passport system, by which we should keep in control and under supervision all of the wandering classes, white and black.

Race hatred grows day by day. There is no man who is

honest, going through the South and conversing with the white people and blacks, but will return and tell you this is true.

Some of the negroes have a good excuse. I will not dispute it. If I were negro I would do probably as they do, but being a white man, I do just as I am doing, and I expect to do so, so help me God, as long as I have breath in my body.

Then I say to you of the North, who are the rulers of the land, who can change this or do something to relieve conditions, what are you going to do about it? Are you going to sit quiet? If nothing else will cause you to think, I notify you, what you already know, that there are a billion dollars or more of northern capital invested in the South in railroads, in mines, in forests, in farm lands, and self-interest, if nothing else, ought to make you set about hunting some remedy for this terrible situation.

As it is the South is helpless. We can do nothing. It is not worth while for us to propose anything. All we can do is to maintain our present attitude of resistance, to maintain our control of our State governments, and to submit to whatever you see fit to do in national affairs, because under no conditions do we ever hope that the South can regain control of this Government. We are one-third of the population. You are two-thirds. Every year your numbers are being added to by a million immigrants in the North, who stay there, while none go to us. The million who came in last year represent five Congressmen. Those who came in year before last represent five more Congressmen. There is no danger of political power ever drifting away from the North as long as it maintains their superiority in population. No one expects to see that in this day or generation.

Therefore we say to you—I take the responsibility, if I am alone, of saying to you—it is your duty to do something. It is your duty to move. It is your duty to begin the discussion.

For the time being the South is occupying an attitude of waiting. It is occupying an attitude of constant friction, race riot, butchery, murder of whites by blacks and blacks by whites, the inevitable, irrepressible conflict between a white civilization and a black barbarism.

I plead for the negro as much as for the white man. This body of death is chained to our backs by two constitutional amendments, and I ask you in God's name, I ask you in the name of civilization, I ask you in the name of the virtue and purity of the white women of the South, to do something to relieve us from the body of this death. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair will again admonish the occupants of the galleries that applause is not allowed under the rules of the Senate, and trusts that it will not be necessary to repeat this admonition.

During the delivery of Mr. TILLMAN's speech,

The VICE-PRESIDENT. The Senator from South Carolina will suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. The bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from South Carolina will proceed.

After the conclusion of Mr. TILLMAN's speech,

Mr. SPOONER. Mr. President, at this stage of the session I would not and ought not to be pardoned if I consumed much of the time of the Senate in reply to the Senator from South Carolina [Mr. TILLMAN]. I decline to be taunted or beguiled by the Senator from South Carolina into competition with him in the use of offensive epithets. The Senator was accurate when he said that we have served long together and have had sharp parliamentary contests. He will look in vain, unless my memory has departed, to find in all the RECORD any epithet applied by me to him or any assault upon his character as a man or a Senator.

The Senator says I have no right to set myself up as a mentor in the matter of manners in the Senate. I have not such a right. I never have usurped any such a function.

Mr. President, I made no attack, using the word in its just, fair, and right sense, upon the Senator from South Carolina. We all have a better and a worse side. If it were not so, a man would be perfect, and there is no perfect man, Mr. President, in the world. When the better side of the Senator from South Carolina resumes its sway over his worse side and the anger incident to this debate shall have passed away, my estimate of him is that he will regret as he reads them in the

RECORD some of the words which have fallen from his lips to-day.

Mr. President, the Senator imputes to me malice against him, and attributes my utterance the other day to not only malice, but a deliberate purpose to offend him. The Senator could not be more mistaken or more unjust. I have schooled myself, if I know myself, not to cherish malice, because I am not willing to so far surrender my happiness, my peace of mind, into the keeping of an enemy as to allow my heart to be corroded by the nursing and cherishing of hate.

If it were otherwise, I should have no malice against the Senator from South Carolina. He has never given me cause. And I will say here, if I may be permitted, that I think no member of this body has spoken here oftener or better of his ability and his real characteristics, and outside of this Chamber, than I have.

But, Mr. President, as an observation upon the personal part of the Senator's speech it is appropriate for me to say this, and upon no other hypothesis. I criticized the attitude and the utterances here and elsewhere of the Senator from South Carolina. That was within my right. I withdraw in no respect, nor do I qualify, the opinion which I expressed as to its injustice and danger of which the Senator from South Carolina complains.

If I, from this Chamber, should counsel the black men of the South to a course of revenge and violence; if I should utter words which, if they were of influence there, would spur the black men of the South to disregard the law; if I should say a word here or elsewhere, being a Senator of the United States, which would place obstacles in the pathway of the white people of the South and render it more difficult, Mr. President, for them to work out side by side with the colored race the destiny of each, there is not a Senator here from the South or from the North who would not feel it not only his right, but his duty, to criticize me. The Senator who can not tolerate criticism, if it be just, upon the sentiments which he utters in public as being other than a personal attack is unfortunate.

I was indignant over some of the utterances of the Senator from South Carolina. I was shocked, Mr. President, by some of the language uttered by the Senator from South Carolina in this debate and incorporated in the speech of the Senator from Colorado [Mr. PATTERSON]. I exercised the right of a Senator to criticize it, to deplore it, to express the wish that it had not been uttered, and my opinion that, uttered here and elsewhere, it is mischievous, as tending to lawlessness in the land.

If in later days and on reflection the Senator regards that as a just basis for the epithets which he has applied to me, and I know it, I shall feel then for the first time that I have not known the real Senator from South Carolina.

Mr. President, the Senator early in his speech characterized this entire battalion as a band of murderers and cutthroats. I do not give his language. Before he had proceeded far he characterized the regiment in the same way. I resented it as an injustice, which was entirely within my right. I did it, I thought, with courtesy, although I studied no word before I uttered it in that speech. I said, and I repeat as a proper rejoinder from an opposing side, that no man has a right to impeach the President of the United States, here or elsewhere, for injustice in discharging this battalion without a trial who advocates in public places the taking of human life without trial and judgment pursuant to law. Was that an insult to the Senator from South Carolina? If it was an insult to the Senator from South Carolina, Mr. President, the insult rested in repetition of language uttered by the Senator from South Carolina, not in any word of mine.

Mr. President, the Senator has repeated the doctrine, which he announced, and for which he contended the other day. Not only that, the Senator has to-day gone far beyond any utterance of his of which I have ever heard or which I have ever read. This is the only time I have doubted his accuracy about himself. If any man in the United States had told me of the Senator and his attitude what he has said in the Senate this morning of himself I would not have believed it. I would not have withheld, Mr. President, for an instant my denunciation of it as unjust and untrue.

The Senator from South Carolina tells us that as governor of South Carolina, having taken the oath which a governor takes, to support the constitution, having assumed the responsibility, in the sight of God, to take care that the laws be faithfully executed, he publicly announced that he would lead in putting to death without trial any black man who should commit the crime of rape upon a white or black woman, notwithstanding the Constitution of the United States and the constitution of the State have guaranteed him—him and all others without regard to color or nativity, those born without our limits and the

aliens dwelling among us—the protection of the judicial machinery which early in the history of civilization was devised to prevent one man, or a number of men, from becoming without trial the executioner of any human being.

As mankind has moved forward, Mr. President, on the lines of civilization, as Christianity has spread throughout the world, the lesson that all organized society is based upon law and an observance of law, and that without it there is anarchy and retrogression to the brutal days of tyranny—government without law is tyranny—people have come to realize how vital it is, not simply to the person involved, but to society at large, that all the safeguards thrown by constitutions and laws around human life must be everywhere observed.

Mr. President, this is no fanciful theory; it is the crux and heart of government. It is not only a law of man, but it is a law of God, and the only firm basis of organized society. To forget it, to lapse from it, is to lapse into anarchy and barbarism.

Under the Constitution neither the State of South Carolina nor any other State can by valid act deprive a person of the full enjoyment of the guaranties of the Constitution; among others the right to know accurately with what offense he is charged; the right to a fair trial, by a jury, in court. The enactment of any such law is beyond the power of the State itself. Think of a doctrine that asserts the right, and justifies it, of citizens to trample upon constitutional provisions and constitutional right, to take life for any cause which may seem for the moment, in their anger and passion, sufficient. I am not speaking of the South. I am speaking of the country. I am speaking of all our people, North and South. Mr. President, it will not do. The doctrine would be fatal North or South, East or West, to order, to civilization; and the man who justifies it here or anywhere does a wrong to our system of government and to the civilization of the age. The advocacy of a doctrine which justifies citizens, at their will, in taking human life as punishment for an alleged offense without trial whenever passion moves to it, is revolutionary and wicked.

I said in the speech which the Senator criticises, and I repeat it, that "in the corrupted currents of this world"—I think I used that quotation—the passions of men will sometimes overcome their sense of duty and the obligations of good citizenship, and that here and there—it may be in every State—these guaranties will be forgotten, and mobs will take into their own hands the functions of accusation, judgment, and execution; but, Mr. President, such occasional barbarity is to be deplored. It is not, as I said the other day, in high places and by men clothed with power to be flaunted and advocated or justified. Is that a personal attack upon anyone? It is an utter disagreement with anyone who advocates lynching, who arrogates to himself to say in what cases the Constitution and the laws of the United States shall be abrogated, and as to what men. That is all.

Mr. President, in the remarks which the Senator made as to the Fifty-fifth or Fifty-sixth Congress he included me. If I ever knew it I had forgotten it, nor did I have it in my memory when I spoke.

When that happened—

Referring to what transpired in South Carolina, growing out, it was alleged, of the horrors and wickedness of carpetbag government, the Senator said—

When that happened we took the government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, etc.—we got tired ourselves. So we called a constitutional convention and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.

Mr. President, the Senator thinks I am incapable of realizing the situation and the conditions in the South. Probably I had not full appreciation of the conditions at the time to which the Senator from South Carolina referred; I probably have no adequate appreciation of the situation in the South to-day. I know that it is dangerous; I know that it is delicate. I know that the colored people of the South must and will remain in the South. I know it is a problem which taxes the ingenuity, the statesmanship, and the humanity of all the brain and all the heart of the white people of the South. The question which I had in my mind the other day was this: Which is the better spirit in which to work toward a solution of it—the sentiment and spirit of Grady or the sentiment and spirit of the Senator from South Carolina? Surely the question answers itself.

Mr. President, when one advocates lawlessness among the whites he of necessity encourages lawlessness and reprisal among the blacks. When one constantly vituperatively speaks of the superiority and inferiority of races dwelling side by side, he lights a torch; he lays the foundation for trouble.

Equality of the races I never have discussed, and I never will

discuss it. It is bootless, Mr. President, and fruitless of anything but danger. It is enough to say that the races are different races. It is enough to say that undoubtedly the white race in the South will maintain the governments in the Southern States. We have not anywhere expected otherwise; but, Mr. President, leaving out politics, leaving out the ballot, before the law all men, without regard to color, must be equal. There can never be a day in this land, nor a spot, where the black man shall be less entitled than the white man to the guaranties which civilization has written into our Constitution and into the State constitutions. There is not a man so mean, so wicked, so homeless, so completely an outcast, that he is not entitled to the protection of the law; that he is not, before execution for an offense, entitled to his day in court, under the procedures which have been instituted, to have determined whether *he is the man who did the deed*. Does that attack anyone? That is a principle, Mr. President, which is at the very foundation of the Government. Without it this is not a Government either of liberty or of law.

The Senator, in a very feeling and eloquent way, spoke of the unspeakable crime sometimes committed by white men and black men, in the North as well as in the South, and proclaimed that the best blood of the Anglo-Saxon race flows in the veins of the people of South Carolina—a question I do not discuss. He paid a tribute to the men who appreciate woman—the mother, the wife, the sister, the daughter. The Senator will not claim that appreciation of womanhood and the crown jewel of woman's existence, her chastity, is limited to any State in either quality or degree. The men of the North and of the South and the East and the West, aye, in the palace and in the cabin, equally love the home. They know it is the foundation, the ultimate basis, of society and all that is builded on it up to the highest form of government. No man living can more bitterly denounce than I feel the crime to which the Senator from South Carolina alluded. No man, Mr. President, in the world more desires its punishment than do I; and as I feel we all feel throughout the land.

The mother! Mr. President, in the Bible nothing could be found with which to compare the love of God for his children but the love of a mother for her child. It is a bond which crime, ingratitude, misfortune, nothing in the world can sunder.

But, Mr. President, that is all apart from the question. The question is whether, wherever a man is charged with this fiendish crime, he has not a right, sacred as the ark of the covenant, to say in a court of justice, "I did not do it," and to have that question tried in due form of law. He has a right to the presumption of innocence which is thrown about every man accused of crime. He has a right to say, "You must establish the offense and furnish evidence beyond a reasonable doubt that I am the man before you take my life on the scaffold." Now, Mr. President, who is warranted in trampling anywhere upon that principle, universal in its application, as strong in the military, and no stronger, than it is in the administration of law in the civil courts?

In my speech I referred to the Senator from South Carolina, as I have always done, as "my friend from South Carolina," but that is unwelcome to him now. The doctrine, not the man, did I attack. I stated—and I think it offended the Senator from South Carolina—that I did not believe his attitude upon the subject, violently asserted as it is here and has been before, and as it is elsewhere, represents the sentiment which pervades the white men of the South, the men charged there with government. I have some reasons for that belief.

It has remained for the Senator from South Carolina to be the only one from that section sitting in this Chamber since I have had to do with this Chamber who, as I remember, has given utterance to any such justification of trial by mob and execution by mob. There are many Senators here from the South, all, including the Senator from South Carolina, faithful in their desire and in their effort to legislate wisely for the people of the United States and sensitive as the Senator from South Carolina can be to the real interests of the South; men who fought on many a field of carnage, Mr. President, who bared their breasts to the sheeted flame of battle for the establishment of the Confederate government; strong men, able, pure, devoted, giving every thought and bending every effort here and elsewhere to work out this problem in the South. I have served here with Gen. Wade Hampton, as brave a man as ever lived, crowned by South Carolina with the honor which she has bestowed so many times in the past and doubtless will in the future bestow upon the Senator from South Carolina. He had knowledge of the conditions in the South. He looked ahead and realized the dangers. I never heard a word uttered on this floor by him of the black man in the South

but words of kindness. I never heard from him on this floor one word in advocacy of dealing out one law to the black man and another to the white man in the South—one measure of justice to the black man and another measure of justice to the white man in the South.

One would have no better evidence that the Senator from South Carolina does not represent upon this subject the sentiment of the governing element in the southern States than is afforded by the silence of his associates on that side of the Chamber, with full knowledge of the conditions and of the danger and trouble which they involve. Through all the years of my service here every one of them and their predecessors have forebore violent utterances upon the subject, and from the lips of no one of them within my memory have ever fallen in this Chamber insulting characterizations of the colored race, or any any advocacy, Mr. President, of lawless violence toward the race.

I have here other utterances of the same kind as those which have been made here by the Senator from South Carolina, to which I intended when I arose to call attention, but I pass them by.

Mr. TELLER rose.

Mr. SPOONER. Does the Senator desire to interrupt me?

Mr. TELLER. No. I thought the Senator had concluded. If the Senator has finished his speech—

Mr. SPOONER. I am not quite through.

Mr. TELLER. I will wait until the Senator concludes.

Mr. SPOONER. Now, Mr. President, a word in conclusion. I will not reargue the Brownsville question, and I will not go again into the race question, but I say again with all my heart from the standpoint of the North, whose sympathy the white people of the South need, and ought to have and will have, that any solution of this question, politics out of it, must be upon the basis of the black man's right under the Constitution to life, liberty, and the pursuit of happiness, and to the enjoyment of the guaranties of the Constitution which safeguard life, liberty, and the pursuit of happiness.

Now, once more repelling the imputation that any portion of the speech which has been criticized by the Senator from South Carolina was based upon personal ill will toward him, I yield the floor.

Mr. TELLER obtained the floor.

Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. CARMACK. Will the Senator from Colorado yield to me for a short while?

Mr. TELLER. I yield to the Senator from Tennessee for a brief time, but not for very long.

[Mr. CARMACK addressed the Senate.]

Mr. TELLER. Mr. President—

Mr. TILLMAN. Will the Senator from Colorado allow me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. I will allow the Senator from South Carolina a moment.

Mr. CARMACK. If the Senator is going to yield—

The VICE-PRESIDENT. The Senator from Colorado is entitled to the floor. Does he yield?

Mr. TELLER. I refuse to yield to the Senator from South Carolina.

Mr. TILLMAN. Of course—

Mr. TELLER. The Senator has had his day.

Mr. TILLMAN. I wanted an opportunity to give my friend from Tennessee a real explanation; but if the Senator from Colorado does not yield, I can not do so.

The VICE-PRESIDENT. The Senator from Colorado declines to yield.

Mr. TELLER. I move that the doors of the Senate be now closed.

Mr. GALLINGER. I second the demand.

The VICE-PRESIDENT. The Sergeant-at-Arms will clear the galleries and close the doors.

The doors were thereupon closed; and at the expiration of one hour and forty-five minutes were reopened.

Mr. TILLMAN. Mr. President, when the Senator from Colorado [Mr. TELLER] moved that the Senate go into secret session some time back I had risen and asked that Senator to yield to me for a purpose.

Mr. TELLER. You did not state the purpose, though.

Mr. TILLMAN. I did not have a chance. The Senator from Colorado simply said, "No, no," and of course I had to yield to his wish and right.

I had discovered, very much to my surprise and regret, in lis-

tening to the naturally angry and bitter words of the Senator from Tennessee, that without the slightest purpose or intention or expectation of anything of the kind occurring I had very seriously wounded that Senator. Now, if there is any man on this side of the Chamber for whom I have more personal friendship and more admiration as a man and as a Senator than for the Senator from Tennessee, I do not know it. Our relations have been entirely pleasant from the time he came here. There has not been a hint or suspicion of friction or of anything other than the strongest, warmest friendship. Having discovered that that Senator was angry, and realizing that if he took seriously what I had read this morning he had a right to be, I was anxious to make an explanation and to let him understand that he was laboring under an error or misapprehension.

I now take occasion, Mr. President, to say what I wanted to say then, and that is that in so far as my first essay in the line of humor and wit has had such an unfortunate termination, inasmuch as I learn that others of my colleagues on both sides have felt that I had transgressed and had used words that they took to be offensive, I very much regret that I ever undertook to be funny. I believe I know how to be bitter, and I have a reputation of being able to use vitriolic language. Those characteristics of mine, which are my misfortune rather than my fault, have given me something of a notoriety along certain lines. But surely, having made such a dismal failure as a funny man at one end of the minstrel line, I will never do so any more.

Now, I want to say to one and all of the Senators whose names appeared in my maiden effort at humor that I intended no offense whatever. I had no idea or expectation of wounding any man in any way. Having wounded some of my friends—and all these men are my friends in a way—I shall most willingly and gladly keep out of my speech as it goes in the RECORD this humorous essay of mine.

I think it is unfortunate that I was not allowed to make this explanation before the Senate had the matter under consideration in secret session. I would have done it then as willingly, and even more willingly, than I do it now, because my temperament is frank, blunt, and open. When I do not intend to hurt a man's feelings no man is more willing than I to say so, but when I do intend to hurt them I know how to do it; and if I had that intention I would not take it back and no one could make me take it back; that is all there is about it. Now, then, I want to apologize to every man here who feels aggrieved.

As far as the Senate itself is concerned, if I have caused its dignity to shiver and people to think that I have said things and done things which are undignified, I beg to apologize to the Senate, too. I am a kind of a rara avis, a farmer, without very much association with polite society. My manners are brusque and bluff and all that kind of thing. But I want to do the right thing if I know it, and the right thing is, when you have wounded a man and did not intend it, to tell him so, to apologize as far as you can; and if he will not take you for what you say, let him alone. That is just my attitude. I am sorry I wounded anybody. I did not intend to do so. That is all I can say.

Mr. CARMACK. Mr. President, the Senator from South Carolina has spoken truly about the friendly relations that have existed between us in the past. He has spoken truly about our personal friendship. I will say, Mr. President, that it was because of that personal friendship in the past that I felt a keener resentment of what the Senator said.

No man is more ready than I am to accept a disclaimer of an intentional wrong, and there is no man from whom I accept it with more pleasure than from the Senator from South Carolina. The Senator had, among other things, taunted me with the fact that I had been defeated.

Mr. TILLMAN. If the Senator thinks it was a taunt I did not intend it so.

Mr. CARMACK. I know it now. If it had been said by an enemy I should have treated it with utter contempt, but I must confess that it came with exceeding bitterness when it came from one whom I regarded as a trusted friend. I accept in all good faith the Senator's disclaimer of any intention to utter anything offensive. I regret very much that it occurred. I regret very much that I made any reply whatever to the Senator, understanding now his motives and his intentions, and I cheerfully withdraw anything I may have said.

Mr. FORAKER. I ask that the resolution may be now voted upon, if there is no other Senator who desires to speak.

Mr. TELLER. Mr. President, I do not think we can vote on the resolution to-night. By the rule of the Senate it ought to go over until to-morrow.

Mr. FORAKER. I was hoping—

Mr. TELLER. It is now past 6 o'clock. If it is necessary to object to voting on it to-night, I shall do it.

Mr. FORAKER. I supposed, under all the circumstances, there would be no objection to taking a vote at this time. If the Senator prefers that it shall go over, we can vote on it to-morrow.

Mr. TELLER. Let it go over.

Mr. FORAKER. Of course it will go over.

Mr. TELLER. Some of us have not yet had any chance to read it.

Mr. DANIEL. Mr. President—

Mr. FORAKER. I ask that the resolution may go over as heretofore, to come up immediately after the routine morning business to-morrow morning.

Mr. DANIEL. Will the Senator from Ohio allow me to make a suggestion?

Mr. FORAKER. Certainly.

Mr. DANIEL. I beg leave to suggest to the Senator that he name some hour to-morrow.

Mr. FORAKER. I ask that it may come up immediately after the routine morning business.

Mr. DANIEL. The Senator does not name any hour to vote on it. Would it be agreeable to do so?

Mr. FORAKER. I should like if we could fix an hour when we would vote on it, but I do not know how many Senators there are who desire to speak. Could the Senator from Colorado indicate when he would be willing that we might have a vote?

Mr. TELLER. Mr. President, I do not have control of this matter. I think that to-morrow morning I may want to talk ten minutes on the question. I do not care about going on to-night.

Mr. CARMACK. I can say to the Senator from Ohio that there are not more than fifteen or twenty who desire to speak.

Mr. FORAKER. Mr. President, it is well enough to have that information. I asked for a time at which we should vote because of the suggestion of the Senator from Virginia. I do not want to hurry it to a vote. It may be that there will be a great many of us who will want to speak before it comes to a vote. The Senator from Tennessee will not have a monopoly of the talking. I give him and everybody else notice to that effect. There will be no monopoly of the talking on the part of the Senator from Tennessee.

Mr. ALDRICH. Mr. President—

Mr. CARMACK. If the Senator will permit me, I said that purely as a matter of jest. I do not expect to occupy any further time.

Mr. FORAKER. Mr. President, humor does not seem to be appreciated to-day.

Mr. ALDRICH. I move that the Senate do now adjourn.

Mr. CARMACK. I will say that was my first attempt at humor, and will be my last. [Laughter.]

Mr. FORAKER. Mr. President, in the exercise of the high prerogative which belongs to the Senator who has business in charge, I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 22, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, January 21, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan, by direction of the Committee on Appropriations, reported the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes; which was read a first and second time, and, with the accompanying papers, reported to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order.

INCREASE OF EFFICIENCY OF ARTILLERY.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17347) to reorganize and to increase the efficiency of the artillery of the United States Army, with an amendment thereto, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the artillery of the United States Army shall consist of the Chief of Artillery, the Coast Artillery, and the

Field Artillery. The Coast Artillery and the Field Artillery shall be organized as hereinafter specified, and the artillery shall belong to the line of the Army: *Provided*, That on and after July 1, 1908, the Chief of Artillery shall cease to exercise supervision over the Field Artillery and shall thereafter be designated as the Chief of Coast Artillery.

SEC. 2. That the Chief of Artillery or Chief of Coast Artillery shall be an additional member of the General Staff Corps, and his other duties shall be prescribed by the Secretary of War.

When a vacancy occurs in the office of the Chief of Artillery or Chief of Coast Artillery the President may appoint to such vacancy, by and with the advice and consent of the Senate, an officer selected from the Coast Artillery, who shall serve for a period of four years unless reappointed for further periods of four years; and any officer who shall hereafter serve as Chief of Artillery or Chief of Coast Artillery shall, when retired, be retired with the rank, pay, and allowances authorized by law for a brigadier-general on the retired list. The position vacated by an officer appointed Chief of Artillery or Chief of Coast Artillery shall be filled by promotion in that arm according to existing law, but the officer thus appointed shall continue in the same lineal position in his arm which he would have held if he had not been so appointed, and shall be an additional number in the grade from which he was appointed or to which he may be promoted: *Provided*, That there shall not be at any time in the Coast Artillery more than one additional officer by reason of the appointment of a Chief of Artillery or Chief of Coast Artillery and the relief of an officer from such duty.

SEC. 3. That the Coast Artillery is the artillery charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses.

SEC. 4. That the Field Artillery is the artillery which accompanies an army in the field, and includes light artillery, horse artillery, siege artillery, and mountain artillery.

SEC. 5. That the Coast Artillery shall constitute a corps, and shall consist of one Chief of Coast Artillery with the rank, pay, and allowances of a brigadier-general, as provided in section 1 of this act; 14 colonels; 14 lieutenant-colonels; 42 majors; 210 captains; 210 first lieutenants, and 210 second lieutenants; and the captains and lieutenants provided for in this section not required for duty with companies shall be available for duty as staff officers of the various Coast Artillery commands and for such other details as may be authorized by law and regulations; 21 sergeants-major with the rank, pay, and allowances of regimental sergeants-major of infantry; 26 master electricians; 60 engineers; 74 electrician-sergeants, first class; 74 electrician-sergeants, second class; 42 sergeants-major with the rank, pay, and allowances of battalion sergeants-major of infantry; 42 master gunners; 60 firemen; 170 companies, and 14 bands, organized as now provided for by law for Artillery Corps bands.

SEC. 6. That each company of Coast Artillery shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, 2 cooks, 2 mechanics, 2 musicians, and such number of sergeants, corporals, and privates as may be fixed by the President in accordance with the requirements of the service to which it may be assigned: *Provided*, That the total number of sergeants and corporals in the Coast Artillery so fixed shall not exceed 1,360 and 2,040, respectively, and that the total enlisted strength of the Coast Artillery, as provided under this act, shall not exceed 19,147, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

SEC. 7. That the Field Artillery shall consist of six regiments, each organized as follows: One colonel, 1 lieutenant-colonel, 2 majors, 11 captains, 13 first lieutenants, and 13 second lieutenants; 2 veterinarians, 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeant, 2 battalion sergeants-major, 2 battalion quartermaster-sergeants, 2 color sergeants, 1 band, and 6 batteries organized into two battalions of three batteries each. Of the officers herein provided, the captains and lieutenants not required for duty with batteries shall be available for detail as regimental and battalion staff officers and for such other details as may be authorized by law and regulations. Battalion adjutants shall be detailed from the captains, and battalion quartermasters and commissaries from lieutenants. Each Field Artillery band shall be organized as provided by law for cavalry bands: *Provided*, That the President in his discretion may increase by nine mounted orderlies the regimental strength herein authorized.

SEC. 8. That each battery of Field Artillery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 quartermaster-sergeant, 1 stable sergeant, 1 chief mechanic, 6 sergeants, 12 corporals, 4 mechanics, 3 cooks, 2 musicians, and 102 privates, the commissioned officers to be assigned from among those hereinbefore authorized for the regiment: *Provided*, That the President in his discretion may increase the number of sergeants in any battery of Field Artillery to 8, the number of corporals to 16, the number of mechanics to 7, the number of musicians to 3, and the number of privates to 149: *Provided further*, That nothing contained in this act shall increase the total number of enlisted men in the line of the Army, together with the native scouts, as authorized by section 36 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States."

SEC. 9. That on and after the approval of this act the Coast Artillery and the Field Artillery shall be permanently separated, the separation to be effected as follows:

All officers in the present Artillery Corps shall remain on one list as regards promotion until sufficient promotions shall have been made, as far as the present number of officers permit, to provide in each grade, together with the officers remaining therein, the total number of officers of the grade provided for in this act for the Coast and Field Artillery combined. After such promotion they shall, in each grade, be assigned by the President to the Coast Artillery or to the Field Artillery, according to special aptitude and qualifications and agreeably to individual preference, so far as may be practicable and for the good of the service, such assignments to be permanent; and all officers promoted or appointed in the artillery thereafter shall be commissioned as officers of the Coast Artillery or the Field Artillery, as the case may be, and shall be promoted by seniority in their own branch, subject to the provisions of the laws governing promotion in the Army at large.

SEC. 10. That all vacancies created or caused by this act which can be filled by promotion of officers now in the Artillery Corps shall be filled by promotion according to seniority, subject to examination as now prescribed by law. Of the vacancies created or caused by this act which can not be filled by promotion of officers now in the Artillery Corps, one-fifth in each branch shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained. The vacancies remaining in the grade of second-lieutenant shall be filled by appointment in the following order: First, of graduates of the United States Military Academy; second, of enlisted men whose